Atlantic States Marine Fisheries Commission

Coastal Sharks Management Board

November 4, 2015
3:00 p.m. – 4:00 p.m.
St. Augustine, Florida

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 (*A. Nowalsky)* 3:00 p.m.

2. Board Consent 3:00 p.m.
   - Approval of Agenda
   - Approval of Proceedings from November 2014

3. Public Comment 3:05 p.m.

4. Update from NOAA Fisheries Highly Migratory Species (*K. Brewster-Geisz*) 3:15 p.m.
   - Amendment 6 Final Rule
   - Proposed 2016 Specifications
   - Amendment 9 Proposed Rule

5. Set 2016 Coastal Shark Specifications **Final Action** 3:35 p.m.
   - Variable Commercial Retention Limits/ Possession Limits (*A. Harp*)

6. Other Business/Adjourn 4:00 p.m.

The meeting will be held at the World Golf Village Renaissance, 500 South Legacy Trail, St. Augustine, FL

MEETING OVERVIEW

Coastal Sharks Management Board Meeting
November 4, 2015
3:00 – 4:00 p.m.
St. Augustine, Florida

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 10/14	Vice Chair: Louis Daniel (NC)	Law Enforcement Committee Representative: Frampton
Coastal Shark Technical Committee Chair: Carolyn Belcher (GA)	Coastal Shark Advisory Panel Chair: Lewis Gillingham (VA)	Previous Board Meeting: October 30, 2014
Voting Members: ME, MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS, USFWS (15 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from October 2014

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. Update from NOAA Fisheries Highly Migratory Species (3:15 – 3:35 p.m.)

Background

- Final rule for Amendment 6 became effective on August 18, 2015, final measures focus on commercial shark retention limits, Atlantic regional quotas, commercial vessel upgrading and permit stacking
- There is a proposed rule to establish the specifications for the 2016 Atlantic Shark fishing season, the comment period ended September 17, 2015.
- The proposed rule for Amendment 9 focuses on smoothhound sharks, the public comment period ended November 2014.
  (Technical Committee Briefing Document and Meeting Summary; HMS Amendment 6 final rule, Amendment 9 proposed rule, 2016 specifications proposed rule in Briefing Materials)

Presentations

- Amendment 6 final rule, Proposed 2016 specifications, Amendment 9 proposed rule by K. Brewster-Geisz)

5. Set 2014 Coastal Sharks Specifications (3:35 – 4:00 p.m.) Final Action

Background

- Proposed 2016 specifications include:
- Open all shark management groups on or about January 1, 2015
- Start the 2016 shark fishing season with a retention limit of 45 LCS other than sandbar sharks per vessel per trip for directed permit holders.
- Adjust the retention limit inseason as needed.
- Decrease the Atlantic blacknose quota over a 5 year timeframe based on an overharvest in 2012 and further decrease the quota over a 3 year timeframe based on an additional overharvest in 2015.
  (**Memo on Variable Commercial Retention Limits in Briefing Materials)**

Board actions for consideration at this meeting

- Approve 2016 coastal shark specifications

6. Other Business/Adjourn

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

COASTAL SHARKS MANAGEMENT BOARD

Hilton Mystic
Mystic, Connecticut
October 30, 2014

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

TABLE OF CONTENTS

INDEX OF MOTIONS

*ATTENDANCE

Board Members

Jocelyn Cary, MA, proxy for Rep. Peake (LA)
David Pierce, MA, proxy for P. Diodati (AA)
Bill Adler, MA (GA)
Bob Ballou, RI (AA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)
Lance Stewart, CT (GA)
James Gilmore, NY (AA)
Emerson Hasbrouck, NY (GA)
Tony Rios, NY, proxy for Sen. Boyle (LA)
Tom Baum, NJ, proxy for D. Chanda (AA)
Adam Nowalsky, NJ, proxy for Asm. Sgt. Andrzejczak (LA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Tom O'Connell, MD (AA)
Bill Goldsborough, MD (GA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Tom O'Connell, MD (AA)
Bill Goldsborough, MD (GA)
Rob O'Reilly, VA, proxy for J. Bull (AA)
Louis Daniel, NC (AA)
Robert Boyles, Jr., SC (AA)
Malcolm Rhodes, SC (GA)
Spud Woodward, GA (AA)
Pat Geer, GA, proxy for Rep. Burns (LA)
James Estes, FL, proxy for J. McCawley (AA)
Sherry White, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns
Marin Hawk

Guests

*** Sign-In Sheet not distributed to section of table attended by SC, GA & FL Commissioners and guest section**

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 30, 2014, and was called to order at 11:50 o'clock a.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: I would like to welcome everyone to the inaugural meeting of the Coastal Sharks Management Board Meeting. I am Adam Nowalsky. I was the vice-chair of the Spiny Dogfish Board; and when the board split, I became chair of this board. One of the action items today will be to elect a vice-chair.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Moving forward, let's begin with approval of the agenda. Are there any changes or additions to the agenda as written? Seeing none; is there any objection to approving the agenda? Seeing none; the agenda is approved.

PROCEEDINGS

CHAIRMAN NOWALSKY: There are no Proceedings to review since this board has not formally met before; so that is not an item on our agenda.

PUBLIC COMMENT

Moving on, we'll turn to the public for any comment for items that are not on the agenda. Is there anyone in the public who would like to comment on an item not on the agenda? Seeing none, we will continue moving forward. Our next action item will be to set the 2015 coastal shark specifications; and we will turn to a presentation now.

SET 2015 COASTAL SHARK SPECIFICATIONS

MS. MARIN HAWK: Our technical committee chair couldn't make it; so I will be giving the presentation. This is the coastal sharks' specifications for 2015; and it is a very brief presentation. As you know, the board follows NOAA Fisheries for openings and closures as well as quotas. The board may specify a trip limit for the large coastal sharks, small coastal sharks, pelagic, hammerhead and blacknose shark groups.

NOAA Fisheries has proposed a rule that suggests that the trip limit may change during the season; and the current trip limit is 36. These are the proposed opening dates for the different coastal shark groups.

The technical committee has reviewed the proposed specifications from NOAA Fisheries. Their only concern with the proposed specifications for 2015 is the continued quota linkage between the blacknose and the non-blacknose small coastal sharks because it continues to hinder shark fishing opportunities. When the blacknose closes, it forces a closure of the small coastals. With that; that concludes my presentation.

CHAIRMAN NOWALSKY: Questions about the presentation? Rob.

MR. ROB O'REILLY: I think at a previous meeting where we were already started with the 2014 timing of the openings, Louis Daniel had made a motion for July 1. That was talked about around the board and pretty much accepted; so I'm wondering what about the June 1 we see now?

DR. LOUIS B. DANIEL, III: I don't know why it says June 1 because we had all agreed last year that July 15th provides us with the access that we need. I know that they had done some work trying to – NOAA Fisheries had done some work to try to make there be parity with the southern areas, particularly off of Florida. If it would be appropriate, I would like to make a motion that we support a proposed opening date of July 15th to move forward in perpetuity.

CHAIRMAN NOWALSKY: Well, we certainly are going to need a motion moving forward here today. It certainly brings up the issue of the inconsistency with the federal regulations; but it is at the board's discretion how to proceed and whether they want to accept the implications of those inconsistencies. Would there be any

discussion that we could hear from the Service about such implications? Karyl.

MS. KARYL K. BREWSTER-GEISZ: We went with the June 1, which is the same as what right now. We opened June 1 this past year. The fishery is still open. It looks like it may continue to be open for the rest of the year. We did receive a comment from this board during the comment period, which closed a couple weeks ago requesting an opening date of July 1. We are considering that as part of the comment; but just to note that if we not open until July 1 and this year we remain open until December 31st, then it is possible that next year with the July 1 you will not fully harvest the quota.

CHAIRMAN NOWALSKY: Let me turn to Marin for a minute for a clarification.

MS. HAWK: Louis, the ability to set multiyear specifications is not in the document. It is on an annual basis; so the "in perpetuity" part of that you might want to modify.

CHAIRMAN NOWALSKY: Rob, I saw you with your hand raised again.

MR. O'REILLY: I think July 15th would be wonderful since Virginia is closed up until that date; but I have to say last time around – I think it was the spring meeting of 2014 when this came up; but I had been talking about July 1, frankly. Certainly, I understand the comments that Karyl just proposed; but some of the history shows that there has been an exclusion in the Mid-Atlantic a little bit in the past. That may not be occurring now; that may not occur in 2015; but certainly the track record says it can happen. That was why the July 1 was mentioned a year ago May, I think.

CHAIRMAN NOWALSKY: Jim, I saw you had your hand up; do you still have a comment you'd like to make or a question? Well, we're at the point here where it is at the discretion of the board how they would like to proceed. We do need a motion to move forward; a motion either for regulations in kind or something different. Louis.

DR. DANIEL: I make a make a motion for July 1; opening date of July 1 for the large coastal sharks.

CHAIRMAN NOWALSKY: Okay, we have a motion that we're going to have a second from Mr. O'Reilly. I'll read that as move to open the large coastal sharks' fishery on July 1, 2015. Motion by Dr. Daniel and seconded by Mr. O'Reilly. Is that correct, Louis?

DR. DANIEL: Yes, sir.

CHAIRMAN NOWALSKY: All right, and I'll turn to you for comment.

DR. DANIEL: Well, just echoing what Rob said and the potential – you know, we're closed still and I know we're going to talk about that I think in six and nine, the closure off of North Carolina. I believe that is in there. That could give some more flexibility down the road when North Carolina and Virginia; they have more flexibility in when they can open their fishery.

There is the potential of a lot of quota being caught in June. I'm glad to hear that we're looking good right now; but the other option, if we have quota left over, that goes to the resource; and so that's probably not a bad move either. I would urge everyone to support the July 1 opening for parity and not be too worried about leaving some of these sharks on the table if that is what happens.

CHAIRMAN NOWALSKY: Are there any additional comments about the motion? Seeing none; I'll give a moment to caucus and then we will vote.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: All right, we have the motion before us to move to open the large coastal sharks' fishery on July 1, 2015. All those in favor please raise your hand. All right, despite some earlier conversation, we're now going to do this with a roll call as a final action. All right, seeing that from the show of hands that it was not unanimous at the time, we will go ahead and do the roll call vote on this; so I will

ask Marin to go ahead and call the roll at this point.

MS. HAWK: Maine. (No response) Massachusetts.

MASSACHUSETTS: Yes.

MS. HAWK: Rhode Island.

RHODE ISLAND: Abstain.

MS. HAWK: Connecticut.

CONNECTICUT: Yes.

MS. HAWK: New York.

NEW YORK: Yes.

MS. HAWK: New Jersey.

NEW JERSEY: Yes.

MS. HAWK: Delaware.

DELAWARE: Yes.

MS. HAWK: Maryland.

MARYLAND: Yes. .

MS. HAWK: Virginia.

VIRGINIA: Yes.

MS. HAWK: North Carolina.

NORTH CAROLINA: Yes.

MS. HAWK: South Carolina.

SOUTH CAROLINA: Yes.

MS. HAWK: Georgia.

GEORGIA: Yes.

MS. HAWK: Florida.

FLORIDA: Yes.

MS. HAWK: U.S. Fish and Wildlife Service.

U.S. FISH AND WILDLIFE SERVICE: Abstain.

MS. HAWK: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: Abstain.

CHAIRMAN NOWALSKY: **The motion carries; 11 yes votes; 3 abstentions**. Okay, that addresses the large coastal sharks. We need to address the non-large coastal sharks. Do I have a motion from the board for the non-large coastal sharks?

MS. HAWK: That includes the hammerhead sharks, pelagic sharks, non-blacknose small coastal sharks and blacknose shark species groups.

DR. DANIEL: Well, just a concern and maybe Karyl can help me out here on the issue with the blacknose. I don't want to do something that is going to mess you up too badly; but at the same we've lost tremendous opportunity in the small coastal shark fishery because of the blacknose coupling. Are we going to talk about that here in a minute, too?

MS. BREWSTER-GEISZ: The blacknose and non-blacknose small coastal shark linkage is something that we can only change through an amendment. We are working on Amendment 6, which we hope to have out proposed later this year and final next year, in the middle of the year some time. A lot of the measures in that we're hoping would solve North Carolina's concerns about the blacknose and non-blacknose small coastal linkage. I will have a very quick update on Amendment 6 later when I give my presentation; but I don't have any solution for you right at this moment.

CHAIRMAN NOWALSKY: Follow-up, Dr. Daniel?

DR. DANIEL: Not so much a follow-up; just a quandary as to whether – I mean, if we approve the specifications as listed on the board; then

we're going to have that same loss again this year. But if I make a motion, then it is going to be completely contrary to the Service's management approach that would allow us to continue to fish for small coastal sharks despite your closure. Most of those fish are occurring in state waters, anyway. I'm reluctant to do that at this time; so I'm not going to make a motion.

CHAIRMAN NOWALSKY: Well, I'm not seeing much will of the board here. Can we get any comment from the Service about the implications of not moving forward with specifications here today? All right, so what I'm hearing is that without a specific motion by the board, state water fisheries would be constrained by the federal waters measures by default. Dr. Daniel.

DR. DANIEL: I guess this might be a question for Bob. If that is the case and a state were to elect not to follow the federal regulations; that would result in a non-compliance finding by this board?

MS. TONI KERNS: For a state-water-only fishery?

DR. DANIEL: Correct.

MS. KERNS: Louis, I'd need to read the plan to see if we qualified a default if states waters did not set measures. There are portions of the plan that say we default to the federal water regulations. I'd have to read the fine print on the lack of specifications. If you give me five minutes, I will get back to you.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, I think that is what I recall about the plan development. The whole purpose was to promote consistency among state and federal waters; and so absent specifications, I think that would be a non-compliance.

MR. WILLIAM A. ADLER: Mr. Chairman, right off the top, how can a state be out of compliance if we didn't set anything that they had to be compliant about? If it is in the plan and I'm not sure that it defaults to the feds' rule; still I don't see where, okay, we're going to find you out of compliance if we didn't make a decision. I don't know.

CHAIRMAN NOWALSKY: Dr. Daniel, we're working at the front here to try to get an answer to that question and make a determination if it is something we can determine in short order or whether a break is going to be required. Go ahead, Dr. Daniel.

DR. DANIEL: Okay; I'm fine; I'll wait.

CHAIRMAN NOWALSKY: We will give staff a moment to see if they can come up with something in short order to answer the question that is before us.

MS. HAWK: The FMP specifies that the Coastal Sharks Board will not actively set quotas but will follow NOAA Fisheries when they close them in federal waters.

CHAIRMAN NOWALSKY: So, from the advice I'm hearing up here, if we do not set regulations otherwise here today, the specifications that would go into place and the states would be required to follow would be the federal waters specifications; being constrained by their dates of opening and closing or any other subsequent action that was taken in federal waters.

DR. DANIEL: Thank you for that clarification.

MS. HAWK: I can read that section to the board: "The Coastal Shark Board will not actively set quotas for any species contained in the non-blacknose small coastals; blacknose aggregated large coastals; hammerhead or pelagic species groups, but will close the fishery for any species in these groups when NOAA Fisheries closes the fishery in federal waters."

DR. DANIEL: Pretty clear.

CHAIRMAN NOWALSKY: Well, the question still before staff here is with regards to differentiating between open dates and quotas on that matter; so we will give them another moment. Bill.

MR. ADLER: So does it become a compliance issue in the plan if the state has to go with the feds; and does the state plan then say we've got to go with the feds and you can be out of compliance; is that in the wording?

CHAIRMAN NOWALSKY: Well, I think it is implicit within the wording. The wording states that the measures to be followed would be the federal waters measures; and if a state fishes outside of those regulations, the board could take compliance actions at that point. Rob.

MR. O'REILLY: I suppose more than anything, it is the current closure that really is at issue, at least the way I'm looking at it, and I think Karyl had mentioned that the Service was in the middle of a process to perhaps make changes. I'm putting words in the Service's mouth; but I'd like to know a little more detail about what is going on there.

MS. BREWSTER-GEISZ: A lot is going on in Amendment 6. We are looking at a number of things. We are taking action to resetting total allowable catches for non-blacknose small coastal sharks based on the new assessments we have for sharpnose and bonnethead. We are looking at sub-regional quotas.

We are looking closely at when we do the sub-regional quotas, particularly along the east coast, what would that mean for the quotas. Some of the things we have found so far, which is part of what Louis is raising, is that North Carolina north, they don't really catch any blacknose at all; whereas, south of that they catch a mix of blacknose and small coastals.

It is because of that mix and because blacknose is overfished that we have that linkage; so when we close, there are not a lot of discards for blacknose and non-blacknose small coastals. Under Amendment 6, we do sub-regionals, there would be different opening and closing dates for those sub-regions. There are different quotas; there could potentially be different linkages. That is what we're looking at.

CHAIRMAN NOWALSKY: Karyl, do you believe it would be helpful to the board to move into your presentation right now while we seek clarification on the issue for specifications?

MS. BREWSTER-GEISZ: Most of the presentation is in regard to Amendment 9. I only have a few slides on Amendment 6; so I could do those few slides first. Then we could come back to this and I could answer any questions about Amendment 6 at that time.

CHAIRMAN NOWALSKY: That would be great. Unless there is any objection from the board, we will review the Amendment 6 slides to help fully answer Rob's question. Seeing no objection, we'll go ahead and review those slides.

MS. BREWSTER-GEISZ: While we move forward to the slides that I'm no, I'll just give you a little bit of the background. Amendment 6 is an action we started back in 2010. We had an ANPR, or an Advance Notice for Proposed Rulemaking, where we looked at things like quota stacking, how we would change the permit structure, and whether or not we should move forward with catch shares. We had a lot of comments at that point.

We actually received a proposal from Gulf of Mexico fishermen to move forward with catch shares. In 2011 we went out with a Notice of Intent saying, okay, we are really seriously considering catch shares; here are all the measures we need to think about if we're moving forward with catch shares.

At that point most of the shark fishermen looked at us and said, "No, we don't want catch shares; we're not sure what this is; we would need to see more details before we decided we wanted to move forward with catch shares." Between that time and now, a lot has happened to the shark fishery. There have been changes in stock status. There have been a lot of states that have adopted a fin possession ban.

The fishery as a whole has changed tremendously; and so at this point we have changed Amendment 6 to be more short-term measures that we feel can help stabilize the shark fishery and adjust for some of these issues

that keep coming up; Louis keeps raising but other people raise a lot as well.

Within Amendment 6; last year we also had the results of two stock assessments. These stock assessments were for small coastal sharks. They were for the bonnethead and Atlantic sharpnose stock. Those species were previously considered one stock across the Atlantic and Gulf of Mexico. Both of them were not overfished with no overfishing.

In the 2013 stock assessment the scientists looked at the data and determined these should really be two different stocks; so now we have an Atlantic sharpnose stock, a Gulf of Mexico/Atlantic sharpnose stock and Atlantic bonnethead stock and Gulf of Mexico bonnethead stock.

For sharpnose, looking at the results, we have determined that for the Atlantic they are not overfished with no overfishing occurring; good news! For bonnethead sharks in the Atlantic, unfortunately it came out to be an unknown status. Because of the structure, the scientists were not able to consider Atlantic-only catches; so at this point we really don't what their status us. That changes things for small coastals as whole because right now we had split for blacknose but not necessarily for the others. We are taking all of that into consideration in Amendment 6.

We're looking at the small coastals, how do we set the total allowable catches now split completely between the Atlantic and Gulf of Mexico and what kind of commercial quotas we should set. We're still looking at permit stacking though we have had a lot of comments that permit stacking is not what we should be looking at.

Instead we should be looking at increasing the commercial shark retention limits; so we are looking at ways to increase commercial shark retention limits and accordingly reduce the shark research fishery quota for sandbar sharks. We are also looking at regional and sub-regional quotas. Right now we have an Atlantic Coast quota for the aggregated large coastals and hammerheads, setting that up, splitting that between sub-regions.

We are currently considering two different lines; one which is around the northern part of South Carolina and one which is at the southern part of North Carolina. Those would be the sub-regions. We're looking at those sub-regions as well for the small coastals. When we've split them out and looked at the landings – and we've talked about this with our advisory panel and there are a lot of questions.

As I mentioned to Rob earlier, we aren't seeing a lot of blacknose at all in the northern area. It comes out to 0.2 metric tons or something like that. We're actually considering prohibiting blacknose in that northern area; so there would no longer be a linkage to small coastals; and that northern sub-region would open and close on its own.

The southern region, where there is a really good mix of the blacknose and the non-blacknose small coastals, those would continue to be linked and opened and closed together. We looked at change in the retention limits in the Caribbean, which I won't really touch on because that doesn't affect you. Caribbean is currently in the Gulf of Mexico Region.

We're also looking at modifying the upgrading restrictions for the directed shark permit holders so that they could upgrade to different size vessels that are much larger and much safer than what they have now; if they wanted to; they wouldn't have to. That is pretty much Amendment 6 and where we are in a nutshell. We are really hoping to have a proposed rule out either by the end of this year or beginning of next year. We're really, really pushing for that and then really pushing for effect next summer; mid-season.

CHAIRMAN NOWALSKY: Thank you, Karyl. Dr. Daniel.

DR. DANIEL: Just to comment that is very encouraging. Thank you.

CHAIRMAN NOWALSKY: Okay, seeing questions or comments; it brings us back to the

small coastal shark specifications. Do you want to give yourselves some time to make that determination?

CHAIRMAN ROBERT E. BEAL: Well, Toni and I have been reading through the FMP, which is always enjoyable, and it is not crystal clear. There is a little bit of internal conflict between the specification-setting sections where it talks about quotas and the Section 4.3.5 where it talks about seasons. In the specifications and quota-setting section, it clearly says that the states will follow the federal openings and closures. When the federal government closes, the states will close; and the states will only open when the federal government reopens the fishery. That part locks us in.

Under the season section, it does say that the board is able to set seasonal periods. I think what that means is if there is a federal opening, we can subdivide that quota available during that opening to try to spread it out or have the fishing occur differently within that quota period. The quota section is very clear that the states open and close when the federal government does. That leads me to believe that the intent is for the state fisheries not to be open when the federal waters fisheries are not open. Does that make sense?

DR. DANIEL: With that explanation and recognizing that we are moving in a good direction on this, **I would move to concur with the opening dates for the hammerheads, pelagics and small coastals** – I lost it when you went away.

CHAIRMAN NOWALSKY: I think we've got something that will help you here.

DR. DANIEL: There you go.

CHAIRMAN NOWALSKY: **So your motion, Dr. Daniel, is to move to open other coastal shark groups, including small coastal sharks, hammerhead, pelagic, blacknose, consistent with NOAA Fisheries?**

DR. DANIEL: That is correct, Mr. Chairman.

CHAIRMAN NOWALSKY: Would you like to add for the 2015 year?

DR. DANIEL: Please.

CHAIRMAN NOWALSKY: Okay, with that addition, we have a second from Malcolm Rhodes. Any discussion on the motion? **Okay, the board has before us move to open other coastal shark groups, including small coastal sharks, hammerhead, pelagic and blacknose, consistent with NOAA Fisheries for the 2015 season. Motion by Dr. Daniel; seconded by Dr. Rhodes.** I'll give the board a moment to caucus before we vote on that.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: Okay, before proceeding with a roll vote on this, I will ask is there any objection to the motion? **Seeing no objection; the motion is approved**.

UPDATE ON NOAA FISHERIES' AMENDMENTS 6 AND 9

CHAIRMAN NOWALSKY: All right, everybody up here seems to be on board with pushing through with the Amendment 9 presentation; so again I'll turn to Karyl for that.

MS. BREWSTER-GEISZ: I will try to make this quick so you can all go to lunch. If I'm going too quick, slow me down; if I'm going too slowly, just feel free to motion to speed it up. Thank you again for having me. In the back there is also Stephen Durkee. He is working with me; so if you have any questions that aren't answered through this, feel free to contact one of us; and we will gladly answer them.

Amendment 9 proposes five different things, which I will go forward and discuss. Most of the measures in Amendment 9 have to do with smoothhound sharks. There are at least three species of smoothhound sharks in U.S. waters. Those are smooth dogfish, Florida smoothhound and Gulf smoothhound. These are Mustelus.

They are not related at all scientifically to spiny dogfish, so please do not confuse smooth dogfish with spiny dogfish. Almost all of the measures affect the smoothhound fishery. There

are two exceptions. One is for the Shark Conservation Act that deals only with smooth dogfish. There are also two different measures that we propose that affect all of our gillnet fisheries; so not just the smoothhound fishermen but all of our shark gillnet fishermen.

At this time we are working through SEDAR to complete a smoothhound stock assessment. In the Atlantic the scientists have determined that the smoothhound stock assessment would only look at smooth dogfish. They felt fairly confident that Florida smoothhound and Gulf smoothhound were not found in the Atlantic; but it is good for you to remember that these species are out there because it does affect one of the Shark Conservation Act proposed measures.

The final assessment should be done in March of next year. In Amendment 9 the first thing it does is it establishes an effective date for the Amendment 3 and the 2011 Trawl Rule Measures. These measures were ones that would bring the smoothhound fishery into federal management; so they establish permit requirements; for dealers they establish reporting requirements; they establish a quota; pretty much everything you expect for federal management is what these two rules would do.

One of the things Amendment 3 did that we are proposing to change in Amendment 9 is the quota. If you look at this graph, up on the Y-axis you have the landings; along the X you have the year. The blue line is the landings over time. Pretty much right when we implemented or finalized Amendment 3, we never actually implemented the smoothhound measures.

We had a huge spike in landings; so the quota that we finalized in Amendment 3, which is the Alternative B-1, obviously was not going to work. We had a lot of concerns coming from fishermen and this body – Louis, I remember all of your concerns on this – saying we're going to be closing the fishery as soon as we open it under that quota. We are relooking at the quota.

Alternative B-2 is something that came from this board. It is looking at a rolling quota, maximizing it adding two standard deviations. Alternative B-3 is what we are proposing. It is a static quota based on the last ten years of data. We also looked at another alternative, which is not on the slide but is very much under consideration; and that is to take the quota from what comes out of the stock assessment.

I couldn't put on the slide because we don't have a quota from the stock assessment yet. We are hearing from pretty much everybody that they want that quota. Whatever it is, they want the quota from the stock assessment. They don't want us to move forward with what we've proposed. The Shark Conservation Act; this is something this body has discussed a lot; has requested from us to move forward on a lot.

For regulatory purposes, it requires fins naturally attached to all sharks; but there is this exception for smooth dogfish. We took a look at this paragraph and we found five phrases that we felt we really needed to interpret before implementing. The first phrase is "an individual engaged in commercial fishing for smooth dogfish". It is really those words "engaged in commercial fishing for smooth dogfish".

We thought does this mean somebody who is landing monkfish and just happens to catch a smooth dogfish; can they remove the fins from that one smooth dogfish or does this mean somebody who is out there fishing for smooth dogfish and catching pretty much only smooth dogfish; are they going to be allowed remove the fins from the smooth dogfish?

We looked at four alternatives ranging from it doesn't matter what the catch composition is to 100 percent smooth dogfish; you can only remove the fins if it is all smooth dogfish. We are proposing a 75 percent catch composition. Another part of this measure is that there would be no other sharks on board; that this would apply only to non-sharks and smooth dogfish.

The second phrase is "an individual holds a valid state commercial fishing license". We looked at two alternatives for this; the first one being a general state commercial fishing license that happens to allow for smooth dogfish to be taken. The second variation is a smooth dogfish specific state commercial fishing license. We are really looking for comments particularly

from this board on whether or not that is what that phrase means.

The second phrase is the word "state". The Act is very specific. It defines the state to be Maine through Florida. The problem is Florida has an eastern part and a western part; so we looked at two alternatives here. That hatched line going along the coast goes out to 50 nautical miles, which is part of the Act. We looked at the alternative where it continues along the west coast of Florida and one where it cuts off along the Atlantic Region for sharks.

We are proposing keeping it along the Atlantic Region; and this is because of the species' identification area in the Gulf. There are those three species; they are very difficult to tell apart. Even scientists can't always agree on it without genetic testing; and we are concerned that fishermen could be catching sharks, finning them illegally – or not finning them, but removing the fins from something they think is a smooth dogfish and it turns out to be a Florida smoothhound.

The other two phrases we decided to take at face value. That is the 50 nautical miles and the 12 percent that this board has already discussed and finalize. In sum, if you want to, under this proposed rule, remove the fins from smooth dogfish, you need to have at least 75 percent of smooth dogfish on board your vessel, no other sharks on board.

You need to be within 50 nautical miles of the eastern shore from Maine through Florida. You need to have a carcass weight of fins that does not exceed 12 percent – I'm sorry, the fins cannot exceed 12 percent of the carcass weight on board. I think that's it. Really quickly through the next three measures; because we're adding smoothhounds into federal management, we need to do a biological opinion.

That had one measure that we felt needed regulatory action; and that was net checks at least two hours or a 24-hour limit on soak time. Currently anyone with a shark permit has to follow the net checks. We looked at a number of different alternatives and preferred the alternative that would really be on how they fished the gillnet. If they are using a sink gillnet, they are limited to a 24-hour soak time.

If they are using a drift gillnet, they need to do a net check and check for marine mammals and sea turtles and remove them every two hours. The last measure that we did in Amendment 9 or proposed has to do with the gillnet requirement for sharks. Currently everybody with a shark gillnet from November through April must have VMS up and working.

We are proposing to change that so that it would be off that small area off of Florida consistent with the Atlantic Large Whale Take Reduction Team. The comment period for Amendment 9 ends November 14th. There are plenty of ways to submit comments. That is all I have on Amendment 9.

The only other thing I wanted to touch on is some people have asked about Amendment 5B. This is the amendment regarding dusky sharks. We are still actively working on that amendment. I don't have a time frame for you. I just wanted to make sure you knew that we were still working on that. That's it if anyone has any questions.

CHAIRMAN NOWALSKY: Questions from the board? Okay, Dr. Daniel.

DR. DANIEL: I was trying to give somebody else a chance. It is a very good report and we will submit comments on this. Smooth dogs are very ubiquitous in the small coastal shark fishery; and that is going to create a real problem. The 75 percent is better than 100 percent; but there is going to be a lot of problems going with the 75 percent.

If you don't have the 75 percent and trying to get rid of all that processing is awful; so trying to get that, you'll have to take that back offshore. They're going to have to do something with that, and that is going to be an increased expense for the industry to try do away because it can't go to a landfill. That is going to create a problem.

I just don't understand if the quota is open for small coastals why they wouldn't be allowed to

land small coastals with their smooth dogs because that will happen. My biggest fear is that they're going to have to discard; not release but discard the small coastal sharks in that fishery, because they will catch them. That is just going to be another discard component that we can't really quantify.

MS. BREWSTER-GEISZ: We have heard that comment a lot. We have heard from North Carolina that they're concerned particularly with the sharpnose. We have heard mostly from New Jersey fishermen, although there have been a couple of North Carolina fishermen, about thrasher sharks that they would like the opportunity to keep thrasher sharks when they are fishing for smooth dogfish. It is something we're hearing and we are taking a look at all those comment.

CHAIRMAN NOWALSKY: Louis, I had heard you say we will submit comments. I'm assuming you were referring to your own state with that particular comment; but were you requesting or is there the will of the board to submit comments as a whole here – if so, we would need some direction on that – or if the individual states are satisfied with going back and crafting their individual comments, they could do that. Did you want to make any other comment on that, Louis?

DR. DANIEL: Well, our issues are so complex that it would take me a long time to go through them all what I would want in a letter. I think if there is a specific issue that the board wants to discuss, then that would be great. They have moved forward with the 12 percent; that's good. It is just the amount of fish. The South Atlantic proposed in their letter to NMFS that does not allow – they did not agree with not allowing any other species of sharks. I think that is what their support was. Karyl can correct me if I'm wrong. The council supports Alternative A2-1A.

This alternative allows for smooth dogfish to make up any portion of the retained catch; but it does not allow you to keep sharks. That is their position. I think they should be allowed to keep at least the small coastal sharks that have been identified, which is the sharpnose shark and the thrasher shark. If the board is interested in making those comments; I know a lot of folks don't know a whole lot about this fishery, so I'm hesitant to ask for the board to endorse a letter unless others feel comfortable with it.

CHAIRMAN NOWALSKY: Is there any other board comment on the Amendment 9 presentation? All right, seeing none, then we won't go ahead with any specific comment letter here today and would encourage the individual states to make comments as appropriate. Okay, thank you very much, Karyl.

ELECTION OF VICE-CHAIR

CHAIRMAN NOWALSKY: Our final order of business on the agenda today is to elect a vice-chair. Do we have a nomination? Mr. Gilmore.

MR. JAMES J. GILMORE, JR.: Mr. Chairman, I would like to nominate Dr. Louis Daniel for vice-chairman of the board.

CHAIRMAN NOWALSKY: Given Dr. Daniel's interest in this species; do we have a second for that? Mr. Boyles.

MR. BOYLES: Mr. Chairman, I would make the motion that we close the floor to nominations and cast a single vote for Dr. Daniel as vice-chair.

CHAIRMAN NOWALSKY: **That motion is so accepted; and without objection.** Seeing none, Dr. Daniel, congratulations as vice-chair of the Coastal Sharks Board.

ADJOURNMENT

Is there any other business to come before this board today? Okay, seeing none, this board stands adjourned.

(Whereupon, the meeting was adjourned at 12:40 o'clock p.m., October 30, 2014.)

Atlantic States Marine Fisheries Commission

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Dr. Louis B. Daniel, III, (NC), Chair *Douglas E. Grout (NH), Vice-Chair* *Robert E. Beal, Executive Director*

MEMORANDUM

October 15, 2015

To: **Coastal Sharks Management Board**

From: **Ashton Harp, FMP Coordinator**

Subject: **States ability to adjust commercial retention limits within a fishing season**

The recent final rule for Amendment 6 to the Atlantic Highly Migratory Species (HMS) Fishery Management Plan (effective August 18, 2015) implemented adjustable commercial retention limits (CRL). Previously, the CRL for federal and state waters was set at 36 large coastal sharks (LCS) other than sandbar sharks per trip for directed permit holders. Amendment 6 created a default CRL of 45 (and a maximum of 55) LCS other than sandbar sharks per trip for directed permit holders.

The intent is to increase management flexibility to adapt to the changing needs of the Atlantic shark fishery. As part of the flexibility measures NOAA Fisheries plans to increase or decrease the LCS CRL anywhere from 55 LCS to 0 LCS to ensure equitable distribution of the resource throughout the fishing season (the proposed opening date next year is January 1, 2016). Landings will be monitored on a weekly basis and an adjustment to the LCS CRL will be evaluated when 30% of the quota is harvested, thereby controlling the quota to ensure equitable fishing opportunities for all fishermen and regions.

At the September Coastal Sharks Technical Committee meeting, states had administrative concerns regarding the implementation of variable commercial retention limits for LCS. In some cases, states have proclamation authority which allows them to amend regulations within 48 hours, but in other states it would likely take 2-3 months to amend the commercial retention limits. Overall, the TC supports increased management flexibility and complementing the federal regulations.

This topic warrants further discussion at the Board meeting. Specific questions include, what are the potential impacts of variable CRLs for each state? How quickly can each state respond to federal adjustments to the CRL? How much time should HMS give ASMFC prior to the adjustment of a CRL?

Please contact Ashton Harp at (703) 842-0740 or aharp@asmfc.org if you have questions.

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Vision: Sustainably Managing Atlantic Coastal Fisheries

Coastal Sharks Technical Committee
Meeting Summary
Conference Call
September 16, 2015

Technical Committee Members: Angel Willey (MD), Brent Winner (FL), Bryan Frazier (SC), Eric Schneider (RI), Greg Hinks (NJ), Holly White (NC), Jack Musick (VA), Scott Newlin (DE), Julie Neer (SAFMC), Enric Cortes (NOAA), Karyl Brewster-Geisz (NOAA)

ASMFC Staff: Ashton Harp, Kristen Anstead

Guest Presenter: Dean Courtney (NOAA)

The Coastal Sharks Technical Committee (TC) held a conference call to discuss the proposed 2016 fishery specifications, the final rule for Amendment 6 to the Atlantic Highly Migratory Species (HMS) Fishery Management Plan, review the Atlantic smooth dogfish (smoothhound shark) stock assessment, review the proposed rule on HMS Amendment 9, and recommend a species for the 2018 SEDAR benchmark stock assessment.

The proposed 2016 fishery specifications were released on August 18, 2015. There was TC discussion regarding the proposed opening date of January 1, 2016 for the fishery (Table 1). There was concern an early LCS opening date would result in a shortened LCS season. The group discussed two recent opening date examples:

- In 2013, the fishery opened on January 1, 2013 and the season lasted nine months (closing on September 30, 2015)—the longest fishing season in recent years.
- Whereas, in 2014, the aggregated large coastal shark and hammerhead commercial group fishing seasons opened on June 1, 2014 and lasted through November 26, 2014 (six months).

NOAA Fisheries noted its intent as specified in both the proposed specifications and the final rule for Amendment 6 (published on August 18, 2015) is to increase management flexibility to adapt to the changing needs of the Atlantic shark fishery. For example, the commercial retention limit (CRL) prior to Amendment 6 was set at 36 LCS other than sandbar sharks per trip for directed permit holders. Amendment 6 created a default CRL of 45 (and a maximum of 55) LCS other than sandbar sharks per trip for directed permit holders. As part of the flexibility measures NOAA Fisheries plans to increase or decrease the LCS CRL anywhere from 55 LCS to 0 LCS to ensure equitable distribution of the resource throughout the fishing season.

Landings will be monitored on a weekly basis and an adjustment to the LCS CRL will be evaluated when 30% of the quota is harvested, thereby controlling the quota to ensure equitable fishing opportunities for all fishermen and regions.

South Carolina is considering a delayed opening date, possibly March 1, for the SCS fishery to prevent the blacknose quota from being harvested too quickly. North Carolina supports the January 1 opening date due to Atlantic sharpnose landings in January and the desire for a year round fishery above the 34˚ 00' N. latitude management boundary.

States have concerns about implementing a variable commercial retention limits for LCS. In some cases, states have proclamation authority which allows them to amend regulations within48 hours, but in other states it would likely take 2-3 months to amend the commercial retention limits. Overall, the TC supports increased management flexibility and complementing the federal regulations. **ACTION: ASMFC to consider the potential impacts of variable commercial retention limits within a season and draft text complimenting the federal regulations or an agreed upon alternative. How much times does HMS need to give ASMFC prior to a CRL being adjusted?**

NOAA Fisheries presented the 2015 benchmark stock assessment for the Atlantic smooth dogfish (smoothhound) and the related proposed rule for Amendment 9. The TC reviewed the assessment results that indicated the stock was not overfished and overfishing was not occurring.

The TC reviewed the schedule for the upcoming stock assessments (Table 2) and discussed select species that should be considered for the 2018 benchmark stock assessment. NOAA Fisheries would prefer sandbar or Atlantic blacktip based in part on constituent requests; however, there was no overall TC consensus on which species should be chosen. There were 3 votes for Atlantic blacktip given the previous assessment (SEDAR 11) in 2006 resulted in an unknown stock status. There was 1 vote for the sandbar shark given the last assessment was in 2010 (SEDAR 21). The next assessment for a sandbar shark will be a benchmark stock assessment because a new assessment model is necessary; an update assessment is not an option. In general, most sharks need a benchmark assessment due to changing data, changing information on stocks, and changing assessment methodologies.

There was discussion about additional species of sharks that ought to be assessed. NOAA Fisheries noted there are only two stock assessment scientists available to conduct assessments for 45 known stocks. To date, 17 stocks have been assessed domestically (via SEDAR) or internationally (via ICCAT). An update stock assessment takes less than a year to complete, whereas a benchmark stock assessment takes approximately two years.

Once a shark has an initial benchmark stock assessment then there is a subsequent need for assessment updates. Time and resource constraints make it difficult for unassessed sharks (28 stocks), which will require an initial benchmark stock assessment, to be a practical option for the 2018 benchmark stock assessment. Based on a request raised at its Advisory Panel meeting, NOAA Fisheries is considering options including the possibility of hiring a contractor to help

conduct assessments. There is less flexibility in choosing which species are chosen for the ICCAT stock assessments because species are chosen by international negotiation.

Table 1. Proposed 2016 quota and opening dates for Atlantic sharks

Region	Management Group	2016 Proposed Annual Quota	Difference from the 2015 Annual Quota	Proposed Season Opening Dates
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw (372,552 lb dw)	-	January 1, 2016
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)	-	
	Non-Blacknose Small Coastal Sharks	264.1 mt dw (582,333 lb dw)	+88 mt dw	
	Blacknose Sharks (South of 34˚ N. lat only)	15.7 mt dw (34,700 lb dw)	-1.8 mt dw	
No Regional Quotas	Non-Sandbar LCS Research	50.0 mt dw (110,230 lb dw)	-	January 1, 2016
	Sandbar Shark Research	90.7 mt dw (199,943 lb dw)	-25.9 mt dw	
	Blue Sharks	273.0 mt dw (601,856 lb dw)	-	
	Porbeagle Sharks	1.7 mt dw (3,748 lb dw)	+1.7 mt dw	
	Pelagic Sharks Other than Porbeagle or Blue	488.0 mt dw (1,075,856 lb dw)	-	

Table 2. Upcoming Stock Assessments

YEAR	SPECIES	ICCAT	SEDAR
2015	Blue	X	
	Smoothhound (2 stocks)		X Benchmark
2016	Shortfin mako	X	
	Dusky		X Update
2017	Porbeagle	X	
	Blacktip (GOM)		X Update
2018	**OPEN**		**X Benchmark, finalized in 2019**

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Vision: Sustainably Managing Atlantic Coastal Fisheries

Coastal Sharks Technical Committee Meeting
September 16, 2015
10:00 AM
AGENDA

1. Call to Order/Introductions *(C. Belcher)*
2. Review and Approve Agenda *(C. Belcher)*
3. Smooth Dogfish Stock Assessment Presentation *(D. Courtney)*
4. Proposed Rule for Amendment 9, Smoothhound *(K. Brewster-Geisz)*
5. Final Rule for Amendment 6 *(K. Brewster-Geisz)*
6. Proposed 2016 Specifications *(K. Brewster-Geisz)*
7. Draft TC specification recommendation for Board meeting *(A. Harp)*
    a. Items that can be determined by Board action and can have a TC recommendation:
        i. Smoothhound quota (not previously set)
        ii. Trip limits (not previously set)
        iii. Possession limits - Currently set at: SCS (none), pelagic (none), hammerhead (none), LCS (36), smoothhound (none)
8. Proposed Rule for Amendment 5b, Dusky *(K. Brewster-Geisz)*
9. Stock Assessment Update *(K. Brewster-Geisz)*
10. Other Business
11. Adjourn

Details to join the TC meeting:

- Webinar link: https://attendee.gotowebinar.com/register/8174181027011131649
- Call in info: 1-888-394-8197, passcode: 499811

Amendment 6: Shark Management (Final Rule, published on August 18)

Final measures include:

- *Commercial Shark Retention Limits*
    - Default of 45 LCS other than sandbar sharks per trip for directed permit holders
    - Maximum of 55 LCS other than sandbar sharks per trip for directed permit holders
    - Adjust the sandbar shark fishery quota to 90.7 mt dw (from 116 mt dw in 2015)
- *Atlantic Regional Quotas*
    - No sub-regional quotas in the Atlantic region
    - Establish a management boundary in the Atlantic region along 34˚ 00' N. lat (approximately at Wilmington, NC) for the SCS fishery
    - Maintain SCS quota linkages between blacknose and non-blacknose SCS fishery south of the 34˚ 00' N. lat management boundary
        - Both will close when either reaches 80% of the quota
    - Prohibit harvest and landings of blacknose sharks north of the 34˚ 00' N. lat mgt boundary
    - Establish a non-blacknose SCS TAC of 489.9 mt dw and increase the commercial SCS quota to 264.1 mt dw
        - Atlantic sharpnose comprises the majority of SCS landings; stock assessment projections state the stock can withstand increased harvest levels
- *Commercial Vessel Upgrading Restrictions*
    - Remove current upgrading restrictions for shark limited access permit holders
- *Permit stacking*
    - Do not implement permit stacking

2016 Specifications (Proposed Rule, published on August 18, comment period closes on September 17)

- Open all shark management groups on or about January 1, 2016
- Start the 2016 shark fishing season with a retention limit of 45 LCS other than sandbar sharks per vessel per trip for directed permit holders.
    - Adjust the retention limit as needed; up to a maximum of 55 LCS/trip or down to 0 LCS/trip
- The Atlantic blacknose quota will decrease over a 5 year timeframe based on an overharvest in 2012 and further decrease the quota over a 3 year timeframe based on an additional overharvest in 2015.

Table 1. Proposed quota and opening dates for Atlantic sharks

Region	Management Group	2016 Proposed Annual Quota	Difference from the 2015 Annual Quota	Proposed Season Opening Dates
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw (372,552 lb dw)	-	January 1, 2016
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)	-	
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	Sandbar Shark Research	90.7 mt dw (199,943 lb dw)	-25.9 mt dw	
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	Porbeagle Sharks	1.7 mt dw (3,748 lb dw)	+1.7 mt dw	
	Pelagic Sharks Other than Porbeagle or Blue	488.0 mt dw (1,075,856 lb dw)	-	

Amendment 9: Smoothhound Sharks (Proposed rule)

Proposed measures:

- Allow at fin removal of smooth dogfish if:
  - Smooth dogfish makes up at least 75% of catch
  - No other sharks are retained
  - Vessel/fisherman holds a state commercial permit valid for smooth dogfish
  - Fishing within 50 nm of the Atlantic Coast from Maine – Florida
  - Fin weight does not exceed 12% of the carcass weight
- Quota based on SEDAR 39 stock assessment or historical landings
- Establish a soak time of 24 hours for sink gillnet gear and a 2 hour net check requirement for drift gillnet gear in the Atlantic shark and smoothhound shark fisheries
- Require federal directed shark permit holders with gillnet gear on board to use VMS only in the SE U.S. Monitoring Area
- Final rule will be published in late fall or early Winter

Amendment 5b: Dusky Sharks (Proposed rule)

- Stock assessment: 2006 and 2011 stock assessment indicate duskys are not overfished and overfishing is not occurring
  - New rebuilding timeline = 100 years
  - Need to reduce fishing mortality by 58% (as shown in Table 2 and Figure 1)
  - 2011 stock assessment used data through 2009
- Proposed measures include:
  - *Recreational fishery:*
    - Increase min size to 96 inches fork length
    - Require permit holders to obtain a 'shark endorsement' in order to retain sharks (e.g quiz)
    - Require permit holders to have a NMFS approved shark ID placard on board
    - Prohibit retention of all ridgebacks (including oceanic whitetip, tiger and smoothhound)
    - Catch and release only
  - *Commercial fishery:*
    - Dusky hotspot closure areas for pelagic longline fishing gear
    - Pelagic longlines limited to 750 hooks
    - PLL fishermen must release all sharks not being retained using a dehooker or cutting the gangion less than 3 feet from the hook
    - Dusky shark training for those vessels that report the most dusky shark interactions
    - Require dusky shark fleet communication and relocation protocol in hotspots
    - NJ, DE, MD, VA extend shark closure to July 31
    - Close Atlantic PLL fishery
- Dusky Shark Mortality Analysis (Table 2 and Figure 1) (MRFSS and MRIP Raw Data)
  - Number of dusky sharks intercepted or reported to the survey as harvested from 2003-2014: **20**
  - Range of regional estimates when a dusky was reported as harvested: **16 – 5,482**
  - Range of PSE for these estimates: **53.8 – 104.1**

Table 2. Total Dusky Shark Mortality

Year	Dead discards within research fishery	Estimated dead discards on directed LCS Trips	Dead discards on pelagic long line gear	Total observed gillnet discards	Discards from snapper/grouper and tilefish BLL fisheries	Estimated recreational landings	Total Dusky Dead Discards
2003	0	726	124	0	0	2777	**3,627**
2004	0	291	142	0	0	36	**469**
2005	0	285	43	0	0	3040	**3,368**
2006	0	515	76	21	0	194	**806**
2007	0	124	89	0	0	112	**325**
2008	21	26	36	3	0	1559	**1,645**
2009	54	36	68	1	0	546	**705**
2010	124	32	35	1	0	91	**283**
2011	60	39	12	0	0	148	**259**
2012	211	41	114	1	0	57	**424**
2013	8	50	38	0	0	36	**132**
2014	34	46	11	0	0	599	**690**

Figure 1. Total Dusky Shark Mortality

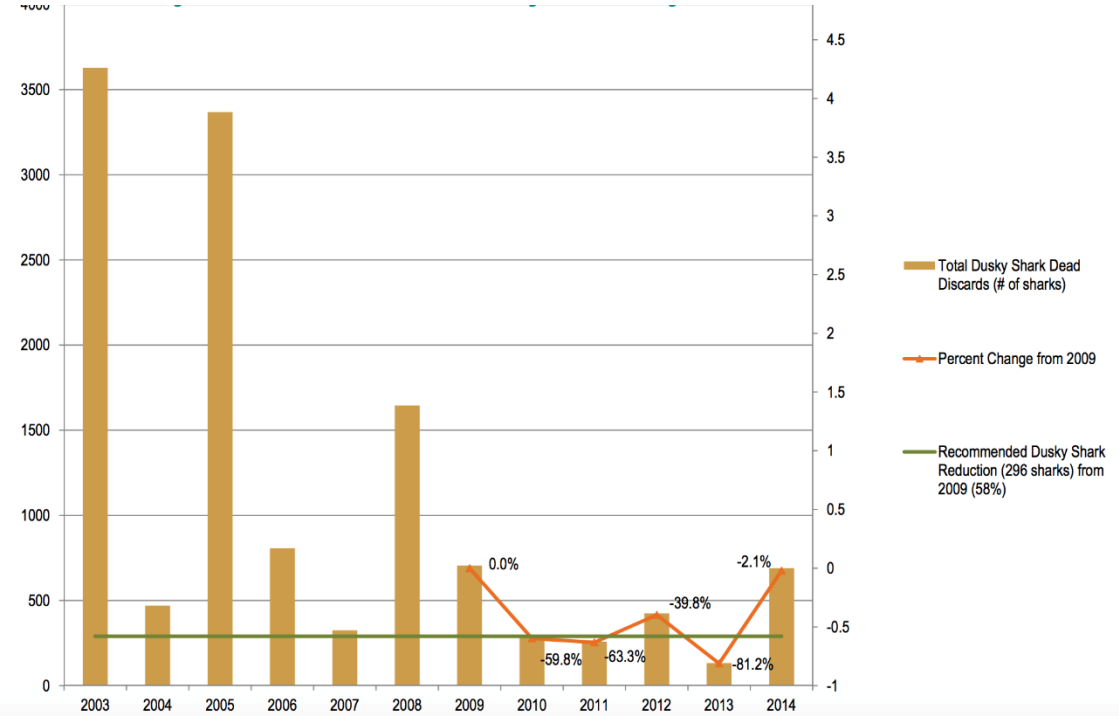
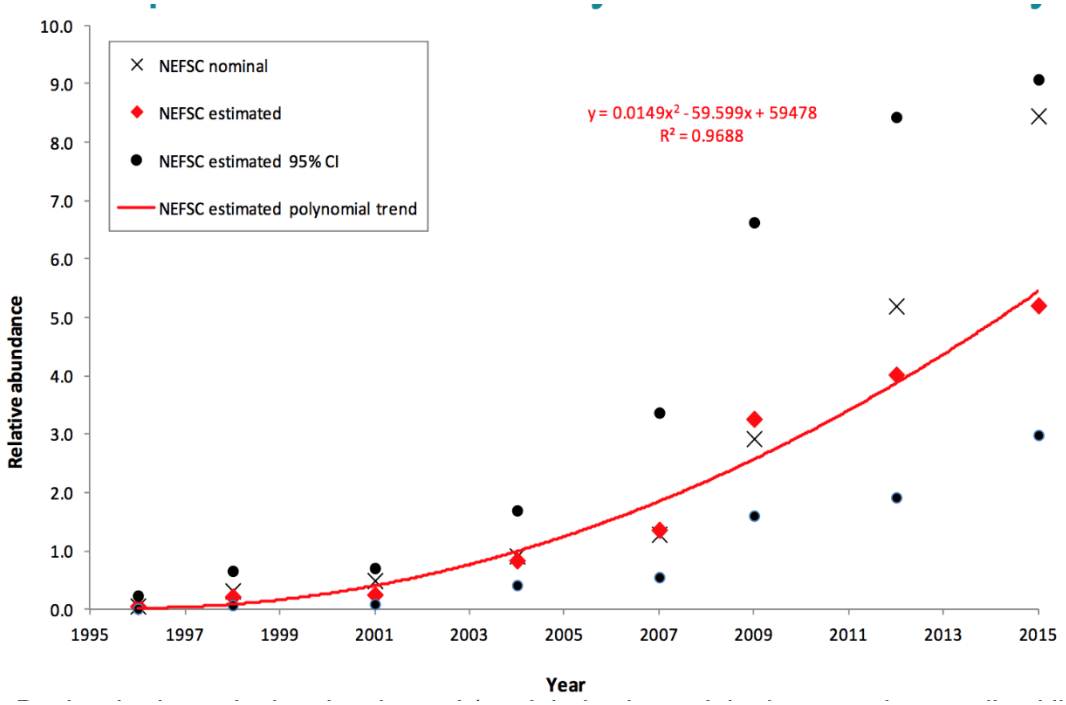


Figure 2. 2015 Apex Shark Survey Results for Dusky



Coastal Shark Stock Assessments

Table 3. Coastal Shark Stock Status

Species or Complex Name	*Stock Status*		References/Comments
	Overfished	Overfishing is Occurring	
Pelagic			
Porbeagle	Yes	No	Porbeagle Stock Assessment, ICCAT Standing Committee on Research and Statistics Report (2009); Rebuilding ends in 2108 (HMS Am. 2)
Blue	No	No	ICCAT Standing Committee on Research and Statistics Report (2008)
Shortfin mako	No	No	ICCAT Standing Committee on Research and Statistics Report (2012)
All other pelagic sharks	Unknown	Unknown	
Large Coastal Sharks (LCS)			
Blacktip	Unknown	Unknown	SEDAR 11 (2006)
Aggregated Large Coastal Sharks - Atlantic Region	Unknown	Unknown	SEDAR 11 (2006); difficult to assess as a species complex due to various life history characteristics/ lack of available data
Non-Blacknose Small Coastal Sharks (SCS)			
Atlantic Sharpnose	No	No	SEDAR 34 (2013)
Bonnethead	Unknown	Unknown	SEDAR 34 (2013)
Finetooth	No	No	SEDAR 13 (2007)
Hammerhead			
Scalloped	Yes	Yes	SEFSC Scientific Review by Hayes, et al. (2009): Rebuilding ends in 2023 (HMS Am. 5a)
Blacknose			
Blacknose	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2043 (HMS Am. 5a)
Smoothhound			
Smooth Dogfish	No	No	SEDAR 39 (2015)
Research			
Sandbar	Yes	No	SEDAR 21 (2010)
Prohibited			
Dusky	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2108 (HMS Am. 2)
All other prohibited sharks	Unknown	Unknown	

Table 4. Upcoming Stock Assessments

YEAR	SPECIES	ICCAT	SEDAR
2015	Blue	X	
	Smoothhound (2 stocks)		X Benchmark
2016	Shortfin mako	X	
	Dusky		X Update
2017	Porbeagle	X	
	Blacktip (GOM)		X Update
2018	**OPEN**		**X Benchmark, finalized in 2019**

Federal Register entitled ''Medicare and Medicaid Programs; CY 2016 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements.''

DATES: The comment due date for the proposed rule published in the **Federal Register** on July 10, 2015 (80 FR 39839) remains September 4, 2015.

FOR FURTHER INFORMATION CONTACT: Michelle Brazil, (410) 786–1648.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2015–16790, published in the **Federal Register** on July 10, 2015 (80 FR 39839), there were technical errors that are identified and corrected in the Correction of Errors section of this correcting document.

II. Summary of Errors

On page 39898, in our discussion of collection of OASIS data, we inadvertently provided an incorrect Web address for a Web site.

On page 39898, in our discussion concerning the specifications and data for NQF #0678, we inadvertently provided an incorrect Web address for a Web site.

III. Correction of Errors

In proposed rule FR Doc. 2015–16790, beginning on page 39840 in the issue of July 10, 2015, make the following corrections in the **SUPPLEMENTARY INFORMATION**:

1. On page 39898, in the first column, in the second full paragraph, the reference to the Web site beginning on line 25, ''OASIS Manual *http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/*'' is corrected to read ''downloads section *https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/HomeHealthQualityInits/HHQIQualityMeasures.html*''.

2. On page 39898, in the second column, in the first full paragraph, the Web site in line 11, ''*http://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/Post-Acute-Care-Quality-Initiatives/PAC-Quality-Initiatives.html*'' is corrected to read ''*https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-Instruments/HomeHealthQualityInits/HHQIQualityMeasures.html*''.

Dated: August 12, 2015.

Madhura Valverde,

Executive Secretary to the Department, Department of Health and Human Services.

[FR Doc. 2015–20336 Filed 8–14–15; 11:15 am]

BILLING CODE 4120–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 150413357–5667–01]

RIN 0648–XD898

Atlantic Highly Migratory Species; 2016 Atlantic Shark Commercial Fishing Season

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would establish opening dates and adjust quotas for the 2016 fishing season for the Atlantic commercial shark fisheries. Quotas would be adjusted as allowable based on any over- and/or underharvests experienced during 2015 and previous fishing seasons. In addition, NMFS proposes season openings based on adaptive management measures to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea.

DATES: Written comments must be received by September 17, 2015.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2015–0068, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2015-0068,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

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* 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).

FOR FURTHER INFORMATION CONTACT: Guý DuBeck or Karyl Brewster-Geisz at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) and its amendments are implemented by regulations at 50 CFR part 635. For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established, among other things, commercial shark retention limits, commercial quotas for species and management groups, accounting measures for under- and overharvests for the shark fisheries, and adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

This proposed rule would establish quotas and opening dates for the 2016 Atlantic shark commercial fishing season based in part on the management measures in the recently published final rule for Amendment 6 to the 2006 Consolidated HMS FMP. In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS established, among other things, an adjusted commercial shark retention limit for large coastal sharks (LCS) other than sandbar sharks, revised sandbar shark quota within the shark research fishery, sub-regional quotas in the Gulf of Mexico region for LCS, revised total allowable catches (TACs) and commercial quotas for the non-blacknose small coastal shark (SCS) fisheries in the Atlantic and Gulf of Mexico regions, and revised management measures for blacknose sharks.

2016 Proposed Quotas

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2016 Atlantic commercial shark fishing season based on over- and underharvests that occurred during 2015 and previous fishing seasons, consistent with existing regulations at 50 CFR 635.27(b)(2). Over- and underharvests are accounted for in the same region, sub-region, and/or fishery in which they occurred the following year, except that large overharvests may be spread over a number of subsequent fishing years to a maximum of 5 years. Shark stocks or management groups that contain one or more stocks that are overfished, have overfishing occurring, or have an unknown status, will not have underharvest carried over in the following year. Stocks that are not overfished and have no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

The quotas in this proposed rule are based on dealer reports received as of July 17, 2015. In the final rule, NMFS will adjust the quotas based on dealer reports received as of a date in mid-October or mid-November 2015. For prior shark quota rules, NMFS has used information from dealer reports received as of October 15 through November 26, depending on the timing of the final rule. Thus, all of the 2016 proposed quotas for the respective stocks and management groups will be subject to further adjustment after NMFS considers the October/November dealer reports. All dealer reports that are received after the October or November date will be used to adjust the 2017 quotas, as appropriate.

For the 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, the 2015 underharvests cannot be carried over to the 2016 fishing season because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an unknown status. Thus, for all of these management groups, the 2016 proposed quotas would be equal to the applicable base quota minus any overharvests that occurred in 2015 and previous fishing seasons, as applicable.

For the Gulf of Mexico blacktip shark management group, which has been determined not to be overfished and to have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2015 fishing season may be applied to the 2016 quota, and NMFS proposes to do so.

Regarding the blacknose shark management group, in the final rule establishing quotas for the 2014 shark season (78 FR 70500; November 26, 2013), NMFS decided to spread out the 2012 overharvest of the blacknose shark quota across 5 years (2014 through 2018) in both the Atlantic and Gulf of Mexico regions. In the final rule for Amendment 6 to the 2006 Consolidated HMS FMP, NMFS modified the regulations for blacknose shark fisheries in the Atlantic and Gulf of Mexico regions. In the Gulf of Mexico region and north of 34° N. latitude in the Atlantic region, NMFS has prohibited the retention of blacknose sharks. Thus, in this proposed rule, NMFS is not proposing any quotas for blacknose sharks in those areas. However, NMFS is proposing to reduce the blacknose shark quota for fishermen operating south of 34° N. latitude in the Atlantic region by 0.5 mt dw to account for the 2012 overharvest. Thus, before accounting for any landings from 2015, the 2016 adjusted annual quota for the Atlantic blacknose shark management group would be 16.7 mt dw (36,818 lb dw).

Based on current landings, the 2015 blacknose shark management group in the Atlantic region was overharvested by 2.9 mt dw (6,328 lb dw). NMFS is proposing to spread out the overharvest accounting over 3 years from 2016 through 2018, the same time period remaining for accounting for the 2012 overharvest, and NMFS is specifically requesting comments on whether NMFS should adjust the quotas over three or more (four or five) years or simply account for the entire overharvest in 2016. In the Atlantic region, accounting for the overharvest over 3 years would result in an overharvest reduction of 1.0 mt dw for 2016 and 2017, and 0.9 mt dw for 2018. This reduction combined with the 0.5 mt dw 2012 overharvest reduction represents 9 percent of the Atlantic region blacknose quota and thus would have both minimal economic impacts on the fishermen and minimal ecological impacts on the stocks. If NMFS reduced the 2016 quota by the full overharvest amount combined with the 2012 overharvest reduction (3.4 mt dw) in one year, this would result in a 20 percent reduction from the base quota, which could negatively impact fishermen and data collection, since the reduced quota would be below regional landings from past fishing seasons and could result in closing the non-blacknose SCS fishery in the Atlantic region south of 34° N. latitude earlier than it has in recent years. NMFS does not believe that accounting for the overharvests over time (1.0 mt dw for 2016 and 2017, and 0.9 mt dw for 2018) would affect the status of the Atlantic blacknose stock because fishing mortality levels would be maintained below levels established in the rebuilding plan. Thus, NMFS is proposing to reduce the 2016 base annual quota for the blacknose shark management group in the Atlantic region based on overharvests from 2012 and 2015.

The proposed 2016 quotas by species and management group are summarized in Table 1; the description of the calculations for each stock and management group can be found below.

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Table 1. 2016 Proposed Quotas and Opening Dates for the Atlantic Shark Management Groups. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data as of July 17, 2015; final quotas are subject to change based on landings as of October or November 2015. 1 mt = 2,204.6 lb.

Region or Sub-region	Management Group	2015 Annual Quota (A)	Preliminary 2015 Landings [1] (B)	Adjustments (C)	2016 Base Annual Quota (D)	2016 Proposed Annual Quota (D+C)	Season Opening Dates
Eastern Gulf of Mexico	Blacktip Sharks	25.1 mt dw (55,439 lb dw)	21.4 mt dw (47,351 lb dw) [2]	3.8 mt dw (8,396 lb dw) [3]	25.1 mt dw (55,439 lb dw)	28.9 mt dw (63,835 lb dw)	January 1, 2016
	Aggregated Large Coastal Sharks	85.5 mt dw (188,593 lb dw)	82.2 mt dw (181,262 lb dw) [2]	-	85.5 mt dw (188,593 lb dw)	85.5 mt dw (188,593 lb dw)	
	Hammerhead Sharks	13.4 mt dw (29,421 lb dw)	7.3 mt dw (16,012 lb dw) [2]	-	13.4 mt dw (29,421 lb dw)	13.4 mt dw (29,421 lb dw)	
Western Gulf of Mexico	Blacktip Sharks	231.5 mt dw (510,261 lb dw)	197.4 mt dw (435,818 lb dw) [2]	35.1 mt dw (77,277 lb dw) [3]	231.5 mt dw (510,261 lb dw)	266.6 mt dw (587,538 lb dw)	
	Aggregated Large Coastal Sharks	72.0 mt dw (158,724 lb dw)	69.2 mt dw (152,554 lb dw) [2]	-	72.0 mt dw (158,724 lb dw)	72.0 mt dw (158,724 lb dw)	
	Hammerhead Sharks	11.9 mt dw (23,301 lb dw)	6.5 mt dw (11,314 lb dw) [2]	-	11.9 mt dw (23,301 lb dw)	11.9 mt dw (23,301 lb dw)	
Gulf of Mexico	Non-Blacknose Small Coastal Sharks	45.5mt dw (100,317 lb dw)	46.2 mt dw (101,948 lb dw)	-5.3 mt dw (-11,612 lb dw) [4]	112.6 mt dw (248,215 lb dw)	107.3 mt dw (236,603 lb dw)	
	Blacknose Sharks	1.8 mt dw (4,076 lb dw)	1.0 mt dw (2,096 lb dw)	-	0.0 mt dw (0 lb dw)	0.0 mt dw (0 lb dw)	

Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw (372,552 lb dw)	12.3 mt dw (27,100 lb dw)	-	168.9 mt dw (372,552 lb dw)	168.9 mt dw (372,552 lb dw)	January 1, 2016
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)	0.7 mt dw (1,476 lb dw)	-	27.1 mt dw (59,736 lb dw)	27.1 mt dw (59,736 lb dw)	
	Non-Blacknose Small Coastal Sharks	176.1 mt dw (388,222 lb dw)	98.6 mt dw (217,360 lb dw)	-	264.1 mt dw (582,333 lb dw)	264.1 mt dw (582,333 lb dw)	
	Blacknose Sharks (South of 34° N. lat. only)	17.5 mt dw (38,638 lb dw)	20.4 mt dw (44,966 lb dw)	-1.5 mt dw (-3,221 lb dw) [5]	17.2 mt dw (37,921 lb dw)	15.7 mt dw (34,700 lb dw)	
No regional quotas	Non-Sandbar LCS Research	50.0 mt dw (110,230 lb dw)	14.8 mt dw (32,593 lb dw)	-	50.0 mt dw (110,230 lb dw)	50.0 mt dw (110,230 lb dw)	January 1, 2016
	Sandbar Shark Research	116.6 mt dw (257,056 lb dw)	60.6 mt dw (133,496 lb dw)	-	90.7 mt dw (199,943 lb dw)	90.7 mt dw (199,943 lb dw)	
	Blue Sharks	273.0 mt dw (601,856 lb dw)	0.5 mt dw (1,114 lb dw)	-	273.0 mt dw (601,856 lb dw)	273.0 mt dw (601,856 lb dw)	
	Porbeagle Sharks	0 mt dw (0 lb dw)	0 mt dw (0 lb dw)	-	1.7 mt dw (3,748 lb dw)	1.7 mt dw (3,748 lb dw)	
	Pelagic Sharks Other Than Porbeagle or Blue	488.0 mt dw (1,075,856 lb dw)	50.7 mt dw (111,701 lb dw)	-	488.0 mt dw (1,075,856 lb dw)	488.0 mt dw (1,075,856 lb dw)	

[1] Landings are from January 1, 2015, through July 17, 2015, and are subject to change.

[2] The blacktip, aggregated LCS, and hammerhead shark management group preliminary 2015 landings were split based on the sub-regional quota percentage splits established in Amendment 6 to the 2006 Consolidated HMS FMP.

[3] This adjustment accounts for underharvest in 2014 and 2015. In the final rule establishing the 2015 quotas (79 FR 71331; December 2, 2014), the 2014 Gulf of Mexico blacktip shark quota was underharvested by 72.0 mt dw (158,602 lb dw). After the final rule establishing the 2015 quotas published, late dealer reports indicated the quota was

underharvested by an additional 1.4 mt dw (3,142 lb dw), for a total underharvest of 73.4 mt dw (161,744 lb dw). In 2015, the Gulf of Mexico blacktip shark quota was underharvested by 37.5 mt (82,531 lb dw). Therefore, this proposed rule would increase the Gulf of Mexico blacktip shark quota by 38.9 mt dw (37.5 mt dw underharvest in 2015 + 1.4 mt dw underharvest from 2014). Recently, NMFS implemented Amendment 6 to the 2006 Consolidated HMS FMP which, among other things, established sub-regional quotas for the Gulf of Mexico blacktip shark management group. NMFS would account for underharvest based on the sub-regional quota percentage split. Thus, the eastern Gulf of Mexico blacktip shark quota would be increased by 3.8 mt dw, or 9.8 percent of the underharvest, while the western Gulf of Mexico blacktip shark quota would be increased by 35.1 mt dw, or 90.2 percent of the underharvest.

[4] This adjustment accounts for overharvests from 2014. In the final rule establishing the 2015 quotas (79 FR 71331; December 2, 2014), the 2014 Gulf of Mexico non-blacknose SCS quota was not overharvested. After the final rule establishing the 2015 quotas published, late dealer reports indicated the quota was overharvested by 5.3 mt dw (11,612 lb dw) due to landings by state-water fishermen fishing in state-waters after the federal closure. NMFS will decrease the 2016 base annual quota based on the overharvest estimate of 5.3 mt from 2014. Based on the original 2015 annual commercial quota, the 2015 annual quota was overharvested by 0.7 mt dw (1,631 lb dw) as of July 17, 2015. In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS increased the commercial Gulf of Mexico non-blacknose SCS quota to 112.6 mt dw (248,215 lb dw) and re-opened the fishery. Based on the revised annual commercial quota, reported landings have not exceeded the revised 2015 base quota to date.

[5] This adjustment accounts for overharvest in 2012 and 2015. After the final rule establishing the 2012 quotas published, late dealer reports indicated the blacknose shark quota was overharvested by 3.5 mt dw (7,742 lb dw). In the final rule establishing the 2014 quotas, NMFS implemented a 5-year adjustment of the overharvest amount by the percentage of landings in 2012. Thus, NMFS will reduce the Atlantic blacknose sharks by 0.5 mt dw (1,111 lb dw) each year for 5 years from 2014-2018. In 2015, the Atlantic blacknose shark quota was overharvested by 2.9 (6,328 lb dw). NMFS is proposing an additional 3-year adjustment of the overharvest amount in 2015. NMFS would reduce the quota by 1.0 mt dw (2,110 lb dw) each year for 2016 and 2017 and 0.9 mt dw (2,108 lb dw) for 2018. Therefore, this proposed rule would decrease the Atlantic blacknose shark quota by 1.5 mt dw (1.0 mt dw overharvest in 2015 + 0.5 mt dw overharvest from 2012).

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1. Proposed 2016 Quotas for the Blacktip Sharks in the Gulf of Mexico Region

The 2016 proposed commercial quota for blacktip sharks in the eastern Gulf of Mexico sub-region is 28.9 mt dw (63,835 lb dw) and the western Gulf of Mexico sub-region is 266.6 mt dw (587,538 lb dw). As of July 17, 2015, preliminary reported landings for blacktip sharks in the Gulf of Mexico region were at 89 percent (291.1 mt dw) of their 2015 quota levels. Reported landings have not exceeded the 2015 quota to date, and the fishery was closed on May 3, 2015 (80 FR 24836). Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2)(ii), underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2015 quotas up to 50 percent of the base quota. In the final rule establishing the 2015 quotas (79 FR 71331; December 2, 2014), the 2014 Gulf of Mexico blacktip shark quota was underharvested by 72.0 mt dw (158,602 lb dw). After the final rule establishing the 2015 quotas published, late dealer reports indicated the quota was underharvested by an additional 1.4 mt dw (3,142 lb dw), for a total underharvest of 73.4 mt dw (161,744 lb dw). During the 2015 fishing season to date, the regional Gulf of Mexico blacktip shark quota has been underharvested by 37.5 mt (82,531 lb dw). Accordingly, NMFS proposes to increase the 2016 Gulf of Mexico blacktip shark quota by 38.9 mt dw (37.5 mt dw underharvest in 2015 + 1.4 mt dw additional underharvest from 2014), which is less than the 50 percent limit (128.3 mt dw) allowed pursuant to the regulations. Thus, the proposed commercial regional Gulf of Mexico blacktip shark quota is 295.5 mt dw.

Recently, NMFS implemented Amendment 6 to the 2006 Consolidated HMS FMP, which, among other things, established sub-regional quotas for the Gulf of Mexico blacktip shark management group. Under these regulations, the eastern sub-region receives 9.8 percent of the regional Gulf of Mexico quota and the western sub-region receives 90.2 percent. Thus, the proposed eastern sub-regional Gulf of Mexico blacktip shark commercial quota is 28.9 mt dw and the proposed western sub-regional Gulf of Mexico blacktip shark commercial quota is 266.6 mt dw.

2. Proposed 2016 Quotas for the Aggregated LCS in the Gulf of Mexico Region

The 2016 proposed commercial quota for aggregated LCS in the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw) and the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw). As of July 17, 2015, preliminary reported landings for aggregated LCS in the Gulf of Mexico region were at 96 percent (150.4 mt dw) of their 2015 quota levels. Reported landings have not exceeded the 2015 quota to date, and the fishery was closed on May 3, 2015 (80 FR 24836). Given the unknown status of some of the shark species within the Gulf of Mexico aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS is not proposing to adjust 2016 quotas for aggregated LCS in the eastern Gulf of Mexico and western Gulf of Mexico sub-regions, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

3. Proposed 2016 Quota for the Aggregated LCS in the Atlantic Region

The 2016 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 17, 2015, the aggregated LCS fishery in the Atlantic region is still open and preliminary landings indicate 93 percent of the quota is still available. Given the unknown status of some of the shark species within the Atlantic aggregated LCS management group, underharvests cannot be carried over pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with current regulations at § 635.27(b)(2), NMFS is not proposing to adjust the 2016 quota for aggregated LCS in the Atlantic region, because there has not been any overharvests and underharvests cannot be carried over due to stock status.

4. Proposed 2016 Quotas for Hammerhead Sharks in the Gulf of Mexico and Atlantic Regions

The 2016 proposed commercial quotas for hammerhead sharks in the eastern Gulf of Mexico sub-region, western Gulf of Mexico sub-region, and Atlantic region are 13.4 mt dw (29,421 lb dw), 11.9 mt dw (23,301 lb dw), and 27.1 mt dw (59,736 lb dw), respectively. As of July 17, 2015, preliminary reported landings for hammerhead sharks were at 54 percent (13.8 mt dw) of their 2015 quota levels in the Gulf of Mexico region. Reported landings have not exceeded the 2015 quota to date, and the fishery was closed on May 3, 2015 (80 FR 24836). Currently, the hammerhead shark fishery in the Atlantic region is still open and preliminary landings indicate 98 percent of the quota is still available. Given the overfished status of hammerhead sharks, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS is not proposing to adjust 2016 quotas for hammerhead sharks in the eastern Gulf of Mexico sub-region, western Gulf of Mexico sub-region, and Atlantic region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

5. Proposed 2016 Quotas for Research LCS and Sandbar Sharks Within the Shark Research Fishery

The 2016 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 July 17, 2015, preliminary reported landings of research LCS were at 30 percent (14.8 mt dw) of their 2015 quota levels, and sandbar shark reported landings were at 52 percent (60.6 mt dw) of their 2015 quota levels. Reported landings have not exceeded the 2015 quotas to date. Under § 635.27(b)(2)(ii), because sandbar sharks and scalloped hammerhead sharks within the research LCS management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups cannot be carried forward to the 2016 quotas. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS is not proposing to adjust 2016 quotas in the shark research fishery because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

6. Proposed 2016 Quota for the Non-Blacknose SCS in the Gulf of Mexico Region

The 2016 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 107.3 mt dw (236,603 lb dw). As of July 17, 2015, preliminary reported landings of non-blacknose SCS were at 102 percent (46.2 mt dw) of their 2015 quota levels in the Gulf of Mexico region. Because reported

landings had exceeded the 2015 quota, the fishery was closed on July 4, 2015 (80 FR 38016). In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS increased the commercial Gulf of Mexico non-blacknose SCS quota to 112.6 mt dw (248,215 lb dw). Based on the current landings at that time, NMFS re-opened the non-blacknose SCS fishery and the reported landings have not exceeded the revised 2015 base quota to date. In the final rule establishing the 2015 quotas (79 FR 71331; December 2, 2014), the 2015 Gulf of Mexico non-blacknose SCS quota was not overharvested. However, after the final rule establishing the 2015 quotas published, late dealer reports indicated the quota was overharvested by 5.3 mt dw (11,612 lb dw) in 2014. Pursuant to § 635.27(b)(2)(i), overharvest of non-blacknose sharks would be applied to the regional quota over a maximum of 5 years. NMFS is proposing to apply the entire 2014 overharvest to the 2016 regional quota, because the overharvest is relatively small compared to the overall regional quota, and therefore NMFS anticipates minimal impacts from applying the overharvest in a single year. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS proposes to reduce the 2016 Gulf of Mexico non-blacknose SCS quota to 107.3 mt dw (112.6 mt dw annual base quota − 5.3 mt dw 2014 overharvest = 107.3 mt dw 2016 adjusted annual quota).

7. Proposed 2016 Quota for the Non-Blacknose SCS in the Atlantic Region

The 2016 proposed commercial quota for non-blacknose SCS in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of July 17, 2015, preliminary reported landings of non-blacknose SCS were at 56 percent (98.6 mt dw) of their 2015 quota levels in the Atlantic region. Though reported landings had not yet reached or exceeded the 2015 quota, the fishery was closed on June 7, 2015 (80 FR 32040), due to the quota linkage with blacknose sharks in the Atlantic region. In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS increased the commercial Atlantic non-blacknose SCS quota to 264.1 mt dw (582,333 lb dw), removed the quota linkage between non-blacknose SCS and blacknose sharks for fishermen fishing north of 34° N. latitude, and re-opened the non-blacknose SCS fishery north of 34° N. latitude. Non-blacknose SCS fishing south of 34° N. latitude remained closed in 2015. Given the unknown status of bonnethead sharks within the Atlantic non-blacknose SCS management group, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS is not proposing to adjust the 2016 quota for non-blacknose SCS in the Atlantic region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

8. Proposed 2016 Quota for the Blacknose Sharks in the Atlantic Region

The 2016 proposed commercial quota for blacknose sharks in the Atlantic region is 15.7 mt dw (34,700 lb dw). As of July 17, 2015, preliminary reported landings of blacknose sharks were at 116 percent (20.4 mt dw) of their 2015 quota levels in the Atlantic region. Reported landings have exceeded the 2015 quota to date, and the fishery was closed on June 7, 2015 (80 FR 32040). In Amendment 6 to the 2006 Consolidated HMS FMP, NMFS removed the quota linkage between non-blacknose SCS and blacknose sharks for fishermen fishing north of 34° N. latitude, but the blacknose shark management group south of 34° N. latitude remained closed, since the quota had been landed. Blacknose sharks have been declared to be overfished with overfishing occurring in the Atlantic region. Pursuant to § 635.27(b)(2)(i), overharvests of blacknose sharks would be applied to the regional quota over a maximum of 5 years. As described above, the 2012 blacknose quota was overharvested and NMFS decided to adjust the regional quotas over 5 years from 2014 through 2018 to mitigate the impacts of adjusting for the overharvest in a single year. In 2015, the Atlantic blacknose shark quota was overharvested by 2.9 mt dw (6,328 lb dw). NMFS is proposing to spread the 2015 overharvest over 3 years to mitigate the impacts of adjusting for the overharvest in a single year. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), the 2016 proposed commercial adjusted base quota for blacknose sharks in the Atlantic region is 15.7 mt dw (34,700 lb dw) (17.2 mt dw annual base quota − 0.5 mt dw 2012 adjusted 5-year overharvest − 1.0 mt dw 2015 adjusted 3-year overharvest = 15.7 mt dw 2016 adjusted annual quota). Note, the blacknose shark quota is available in the Atlantic region only for those vessels operating south of 34° N. latitude; north of 34° N. latitude; retention, landing, and sale of blacknose sharks is prohibited.

9. Proposed 2019 Quotas for Pelagic Sharks

The 2016 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488 mt dw (1,075,856 lb dw), respectively. The porbeagle shark fishery was closed in 2015 due to overharvest in 2014. As of July 17, 2015, preliminary reported landings of blue sharks and pelagic sharks (other than porbeagle and blue sharks) were at less than 1 percent (0.5 mt dw) and 10 percent (50.7 mt dw) of their 2015 quota levels, respectively. Given these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward pursuant to § 635.27(b)(2)(ii). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b)(2), NMFS is not proposing to adjust 2016 quotas for blue sharks and pelagic sharks (other than porbeagle and blue sharks), because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

Proposed Fishing Season Notification for the 2015 Atlantic Commercial Shark Fishing Season

For each fishery, NMFS considered the seven ''Opening Commercial Fishing Season Criteria'' listed at § 635.27(b)(3). The ''Opening Fishing Season'' criteria consider factors such as the available annual quotas for the current fishing season, estimated season length and average weekly catch rates from previous years, length of the season and fishermen participation in past years, impacts to accomplishing objectives of the 2006 Consolidated HMS FMP and its amendments, temporal variation in behavior or biology target species (*e.g.*, seasonal distribution or abundance), impact of catch rates in one region on another, and effects of delayed season openings.

Specifically, NMFS examined the 2015 and previous fishing years' over- and/or underharvests of the different management groups to determine the effects of the 2016 proposed commercial quotas on fishermen across regional and sub-regional fishing areas. NMFS also examined the potential season length and previous catch rates to ensure that equitable fishing opportunities would be provided to fishermen in all areas. Lastly, NMFS examined the seasonal variation of the different species/management groups and the effects on fishing opportunities.

In addition to considering the seven ''Opening Commercial Fishing Season Criteria,'' NMFS is also considering the revised commercial shark retention limit and other management measures in the final rule for Amendment 6 to the 2006 Consolidated HMS FMP in determining the proposed opening dates for 2016.

NMFS is proposing that the 2016 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, open on or about January 1, 2016, after the publication of the final rule for this action. NMFS is also proposing to start the 2016 commercial shark fishing season with the default retention limit of 45 LCS other than sandbar sharks per vessel per trip.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2016. This opening date takes into account all the criteria listed in § 635.27(b)(3), and particularly the criterion that NMFS consider the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas. In addition, during the comment periods for the 2015 shark season proposed rule (79 FR 54252; September 11, 2014) and proposed rule for Amendment 6 to the 2006 Consolidated HMS FMP (80 FR 2648; January 20, 2015), NMFS received comments from fishermen from all areas of the Atlantic requesting that the aggregated LCS and hammerhead shark management groups open in January. In public comments during Amendment 6 to the 2006 Consolidated HMS FMP, constituents suggested a January opening date such that a portion of the quota could be harvested in the beginning of the year and then the trip limits be reduced such that the rest of the quota could be harvested at the end of the fishing year. As such, NMFS is intending to use the inseason trip limit adjustment criteria in the regulations per § 635.24(a)(8) for the first time in 2016. The inseason trip limit adjustment criteria would allow more equitable fishing opportunities across the fishery. The proposed opening date with the default retention limit of 45 LCS other than sandbar sharks per vessel per trip should allow fishermen to harvest some of the 2016 quota at the beginning of the year, when sharks are more prevalent in the South Atlantic area. If it appears that the quota is being harvested too quickly to allow fishermen throughout the entire region an opportunity to fish, NMFS would reduce the commercial retention limits taking into account § 635.27(b)(3) and the inseason trip limit adjustment criteria listed in § 635.24(a)(8), particularly the consideration of whether catch rates in one part of a region or sub-region are precluding vessels in another part of that region or sub-region from having a reasonable opportunity to harvest a portion of the relevant quota (§ 635.24(a)(8)(vi)). If that occurs, NMFS would file with the Office of the Federal Register for publication notification of any inseason adjustments of the retention limit to an appropriate limit between 0 and 55 sharks per trip. NMFS would increase the commercial retention limits per trip at a later date to provide fishermen in the northern portion of the Atlantic region an opportunity to retain non-sandbar LCS.

For example, the aggregated LCS and hammerhead shark management groups could open in January and NMFS could allow approximately 30 percent of the quota to be retained. Once the quota reaches about 30 percent, NMFS could reduce the retention limit to incidental levels (3 LCS other than sandbar sharks per vessel per trip) or another level calculated to reduce the harvest of LCS. If the quota continues to be harvested quickly, NMFS could reduce the retention limit to 0 LCS other than sandbar sharks per vessel per trip to ensure enough quota remains until later in the year. At some point later in the year, potentially equivalent to recent fishing season opening dates (*e.g.*, July 1 or July 15), NMFS could increase the retention limit to the default level (45 LCS other than sandbar sharks per vessel per trip) or another amount, as deemed appropriate after considering the inseason trip limit adjustment criteria. If the quota is being harvested too fast or too slow, NMFS could adjust the retention limit appropriately to ensure the fishery remains open most of the rest of the year.

In the Gulf of Mexico region, opening the fishing season on or about January 1, 2016, for aggregated LCS, blacktip sharks, and hammerhead sharks with the default retention limit of 45 LCS other than sandbar sharks per vessel per trip would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. This opening date takes into account all the criteria listed in § 635.27(b)(3), and particularly the criterion that NMFS consider the length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years. Similar to the retention limit adjustment process described for the Atlantic region, NMFS may consider adjusting the retention limit in the Gulf of Mexico region throughout the season to ensure fishermen in all parts of the region have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks.

All of the shark management groups would remain open until December 31, 2016, or until NMFS determines that the fishing season landings for any shark management group has reached, or is projected to reach, 80 percent of the available quota. In the final rule for Amendment 6 to the 2006 Consolidated HMS FMP, NMFS revised non-linked and linked quotas and explained that the linked quotas are explicitly designed to concurrently close multiple shark management groups that are caught together to prevent incidental catch mortality from causing total allowable catch to be exceeded. If NMFS determines that a non-linked shark species or management group must be closed, then, consistent with § 635.28(b)(2) for non-linked quotas (*e.g.*, eastern Gulf of Mexico blacktip, western Gulf of Mexico blacktip, Gulf of Mexico non-blacknose SCS, or pelagic sharks), NMFS will file for publication with the Office of the Federal Register a notice of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

If NMFS determines that a linked shark species or management group must be closed, then, consistent with § 635.28(b)(3) for linked quotas, NMFS will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until NMFS announces, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for all linked species and/or management groups are closed, even across fishing years. The linked quotas of the 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 and Atlantic non-blacknose SCS south of 34° N. latitude. NMFS may close the fishery for the Gulf of Mexico blacktip shark before landings reach, or are expected to reach, 80 percent of the quota, after considering the criteria listed at § 635.28(b)(5).

NMFS determined that the final rules to implement Amendment 2 to the 2006 Consolidated HMS FMP (June 24, 2008, 73 FR 35778; corrected on July 15, 2008, 73 FR 40658), Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013), and Amendment 6 to the 2006 Consolidated HMS FMP are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2016 fishing season for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

Request for Comments

Comments on this proposed rule may be submitted via *http://www.regulations.gov* and mail. NMFS solicits comments on this proposed rule by September 17, 2015 (see **DATES** and **ADDRESSES**). In addition to comments on the entire rule, NMFS is specifically requesting comments on the proposed 3-year adjustment for the blacknose shark quota in the Atlantic Region to account for the overharvest of blacknose sharks in 2015. NMFS is proposing to spread the overharvested amount over a 3-year period (2016 to 2018) to reduce impacts on the blacknose shark and non-blacknose SCS fisheries, which are linked fisheries in the Atlantic region south of 34° N. latitude. Since the overharvested quota would be spread over 3 years in addition to the 2012 overharvest reduction which continues through 2018, the Atlantic blacknose shark quota would be reduced by 1.5 mt dw (3,221 lb dw) in 2016 and the adjusted quota would be 15.7 mt dw (34,700 lb dw). If additional overharvest occurs, the adjusted blacknose shark quota could be further reduced to account for this potential overharvest. If NMFS accounted for the full 2015 overharvest amount in the 2016 quota in addition to the 2012 overharvest reduction, the blacknose shark quota would be reduced by 3.4 mt dw (7,439 lb dw) and the adjusted quota would be 13.8 mt dw (30,482 lb dw), which could result in an early fishery closure in the Atlantic region south of 34° N. latitude and have adverse impacts for blacknose and non-blacknose fishermen and dealers. This second scenario would not have any 2015 overharvest impacts beyond 2016.

Public Hearings

Public hearings on this proposed rule are not currently scheduled. If you would like to request a public hearing, please contact Guý DuBeck or Karyl Brewster-Geisz by phone at 301–427–8503.

Classification

The NMFS Assistant Administrator has determined that the 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.

These proposed specifications are exempt from review under Executive Order 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. The IRFA analysis follows.

Section 603(b)(1) of the RFA requires Agencies to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP and its amendments, is being proposed to establish the 2016 commercial shark fishing quotas and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2015, and would not open until another action was taken. This proposed rule would be implemented according to the regulations implementing the 2006 Consolidated HMS FMP and its amendments. Thus, NMFS expects few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated HMS FMP and its amendments, based on the quota adjustments.

Section 603(b)(2) of the RFA requires Agencies to explain the rule's objectives. The objectives of this rule are to: Adjust the baseline quotas for all Atlantic shark management groups based on any over- and/or underharvests from the previous fishing year(s) and to establish the opening dates of the various management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management regions and/or sub-regions while also considering the ecological needs of the different shark species.

Section 603(b)(3) of the RFA requires Federal agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. The SBA size standards are $20.5 million for finfish fishing, $5.5 million for shellfish fishing, and $7.5 million for other marine fishing, for-hire businesses, and marinas (79 FR 33467; June 12, 2014). NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $20.5 million for finfish-harvesting. The commercial shark fisheries are comprised of fishermen who hold shark directed or incidental limited access permits and the related shark dealers, all of which NMFS considers to be small entities according to the size standards set by the SBA. The proposed rule would apply to the approximately 208 directed commercial shark permit holders, 255 incidental commercial shark permit holders, and 100 commercial shark dealers as of July 2015. NMFS solicits public comment on the IRFA.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

Section 603(c) of the RFA requires each IRFA to contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C.603 (c)(1)–(4)) lists four general

categories of significant alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first, third, and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated HMS FMP and its amendments and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2014 ex-vessel price, fully harvesting the unadjusted 2016 Atlantic shark commercial baseline quotas could result in total fleet revenues of $4,583,514 (see Table 2). For the Gulf of Mexico blacktip shark management group, NMFS is proposing to increase the baseline sub-regional quotas due to the underharvests in 2015. The increase for the eastern Gulf of Mexico blacktip shark management group could result in a $8,413 gain in total revenues for fishermen in that sub-region, while the increase for the western Gulf of Mexico blacktip shark management group could result in a $77,432 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico non-blacknose SCS management group, NMFS is proposing to reduce the baseline quota due to the overharvest in 2014. This would cause a potential loss in revenue of $7,571 for the fleet in the Gulf of Mexico region. For the Atlantic blacknose shark management group, NMFS will continue to reduce the baseline quota through 2018 to account for overharvest in 2012 and is proposing to reduce the baseline quota for the next 3 years to account for overharvest in 2015. These reductions would cause a potential loss in revenue of $3,157 for the fleet in the Atlantic region.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated HMS FMP and its amendments. The FRFAs for those amendments concluded that the economic impacts on these small entities are expected to be minimal. In the 2006 Consolidated HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, NMFS stated it would be conducting annual rulemakings and considering the potential economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 2—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2014

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Gulf of Mexico	Blacktip Shark	$0.50	$9.53
	Aggregated LCS	0.54	10.04
	Hammerhead Shark	0.48	10.21
	Non-Blacknose SCS	0.36	5.84
	Blacknose Shark	0.86	5.84
Atlantic	Aggregated LCS	0.75	4.19
	Hammerhead Shark	0.57	2.33
	Non-Blacknose SCS	0.74	4.00
	Blacknose Shark	0.78	4.00
No Region	Shark Research Fishery (Aggregated LCS)	0.58	7.68
	Shark Research Fishery (Sandbar only)	0.69	10.12
	Blue shark	0.67	2.34
	Porbeagle shark	1.41	2.34
	Other Pelagic sharks	1.41	2.34

For this rule, NMFS also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen while also considering the ecological needs of the different species. The opening of the fishing season could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2016 fishing season, NMFS is proposing to open all of the shark management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on a short- and long-term basis, because NMFS is not proposing to change the opening dates of these fisheries from the status quo, except for aggregated LCS and hammerhead sharks in the Atlantic.

Opening the aggregated LCS and hammerhead shark management groups in the Atlantic region on the effective date of the final rule for this action (expected to be on or about January 1) would result in short-term, direct, moderate, beneficial economic impacts, as fishermen and dealers in the southern portion of the Atlantic region would be able to fish for aggregated LCS and hammerhead sharks starting on or about January. These fishermen would be able to fish earlier in the 2016 fishing season compared to the 2010, 2011, 2012, 2014, and 2015 fishing seasons, which did not start until June or July. These fishermen commented during the public comment

period for the past shark specification rulemakings and Amendment 6 to the 2006 Consolidated HMS FMP that they felt that opening the fishery in July was not fair to them because, by July, the sharks have migrated north and are no longer available. With the implementation of the HMS electronic reporting system in 2013, NMFS now monitors the quota on a more real-time basis compared to the paper reporting system that was in place before 2013. This ability, along with the inseason adjustment criteria in § 635.24(a)(8), should allow NMFS the flexibility to further provide equitable fishing opportunities for fishermen across all regions, to the extent practicable. Depending on how quickly the quota is being harvested, NMFS could reduce the retention limits to ensure that fishermen farther north have sufficient quota for a fishery later in the 2016 fishing season. The direct impacts to shark fishermen in the Atlantic region of reducing the trip limit would depend on the needed reduction in the trip limit and the timing of such a reduction. Therefore, such a reduction in the trip limit is only anticipated to have minor adverse direct economic impacts to fishermen in the short-term; long-term impacts are not anticipated as these reductions would not be permanent.

In the northern portion of the Atlantic region, a potential January 1 opening for the aggregated LCS and hammerhead shark management groups, with inseason trip limit adjustments to ensure quota is available later in the season, would have direct, minor, beneficial economic impacts in the short-term for fishermen as they would potentially have access to the aggregated LCS and hammerhead shark quotas earlier than in past seasons. Fishermen in this area have stated that, depending on the weather, some aggregated LCS species might be available to retain in January. Thus, fishermen would be able to target or retain aggregated LCS while targeting non-blacknose SCS. There would be indirect, minor, beneficial economic impacts in the short- and long-term for shark dealers and other entities that deal with shark products in this region as they would also have access to aggregated LCS products earlier than in past seasons. Thus, opening the aggregated LCS and hammerhead shark management groups in January and using inseaon trip limit adjustments to ensure a fishery later in the year in 2016 would cause beneficial cumulative economic impacts, since it would allow for a more equitable distribution of the quotas among constituents in this region, which was the original intent of Amendments 2 and 6.

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

Dated: August 6, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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Part II

Department of Commerce

National Oceanic and Atmospheric Administration

50 CFR Part 635

Atlantic Highly Migratory Species; Large Coastal and Small Coastal Atlantic Shark Management Measures; Final Rule

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 100825390–5664–03]

RIN 0648–BA17

Atlantic Highly Migratory Species; Large Coastal and Small Coastal Atlantic Shark Management Measures

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

ACTION: Final rule; fishery re-opening.

SUMMARY: This final rule implements Amendment 6 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) (Amendment 6) to increase management flexibility to adapt to the changing needs of the Atlantic shark fisheries; prevent overfishing while achieving on a continuing basis optimum yield; and rebuild overfished shark stocks. Specifically, this final rule increases the large coastal shark (LCS) retention limit for directed shark permit holders to a maximum of 55 LCS per trip, with a default limit of 45 LCS per trip, and reduces the sandbar shark research fishery quota to account for dead discards of sandbar sharks during LCS trips; establishes a management boundary in the Atlantic region along 34°00′ N. latitude for the small coastal shark (SCS) fishery, north of which harvest and landings of blacknose sharks is prohibited and south of which the quota linkage between blacknose sharks and non-blacknose SCS is maintained; implements a non-blacknose SCS total allowable catch (TAC) of 489.3 mt dw and a commercial quota of 264.1 mt dw in the Atlantic region; apportions the Gulf of Mexico (GOM) regional commercial quotas for aggregated LCS, blacktip, and hammerhead sharks into western and eastern sub-regional quotas along 88°00′ W. longitude; implements a non-blacknose SCS TAC of 999.0 mt dw, increases the commercial non-blacknose SCS quota to 112.6 mt dw, and prohibits retention of blacknose sharks in the GOM; and removes the current upgrading restrictions for shark directed limited access permit (LAP) holders.

DATES: Effective August 18, 2015.

ADDRESSES: Copies of Amendment 6, including the Final Environmental Assessment (EA), and other relevant documents, are available from the HMS Management Division Web site at *http://www.nmfs.noaa.gov/sfa/hms/*. Copies of the 2013 Atlantic sharpnose and bonnethead shark stock assessment results are available on the Southeast Data Assessment and Review Web site at *http://sedarweb.org/sedar-34.*

FOR FURTHER INFORMATION CONTACT: LeAnn Hogan, Guý DuBeck, Delisse Ortiz, or Karyl Brewster-Geisz by phone: 301–427–8503, or by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: Atlantic sharks are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the authority to issue regulations has been delegated from the Secretary to the Assistant Administrator (AA) for Fisheries, NOAA. On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, which detail management measures for Atlantic HMS fisheries, including for the Atlantic shark fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This final rule implements Amendment 6.

Background

A brief summary of the background of this final rule is provided below. A more detailed history of the development of these regulations and the alternatives considered are described in the Final Environmental Assessment (EA) for Amendment 6, which can be found online on the HMS Web site (see **ADDRESSES**).

NMFS published a proposed rule on January 20, 2015 (80 FR 2648), which outlined the preferred alternatives analyzed in the Draft EA and solicited public comments on the measures, which were designed to address the objectives of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries, prevent overfishing while achieving on a continuing basis optimum yield, and rebuild overfished shark stocks. Specifically, the action proposed to adjust the commercial LCS retention limit for shark directed LAP holders; create sub-regional quotas in the Atlantic and Gulf of Mexico regions for LCS and SCS; modify the LCS and SCS quota linkages; establish TACs and adjust the commercial quotas for non-blacknose SCS in the Atlantic and Gulf of Mexico regions based on the results of the 2013 stock assessments for Atlantic sharpnose and bonnethead sharks; and modify upgrading restrictions for shark permit holders. The full description of the management and conservation measures considered are included in the Final EA for Amendment 6 and the proposed rule and are not repeated here.

The comment period for the Draft EA and proposed rule for Amendment 6 ended on April 3, 2015. The comments received, and responses to those comments, are summarized below in the section labeled ''Response to Comments.''

Management measures in Amendment 6 are designed to respond to the problems facing Atlantic commercial shark fisheries, such as commercial landings that exceed the quotas, declining numbers of fishing permits since limited access was implemented, complex regulations, derby fishing conditions due to small quotas and short seasons, increasing numbers of regulatory discards, and declining market prices. This rule finalizes most of the management measures, and modifies others, that were contained in the Draft EA and proposed rule for Amendment 6. This section provides a summary of the final management measures being implemented by Amendment 6 and notes changes from the proposed rule to this final rule that may be of particular interest to the regulated community. Measures that are different from the proposed rule, or measures that were proposed but not implemented, are described in detail in the section titled, ''Changes from the Proposed Rule.''

This final rule increases the LCS retention limit for shark directed LAP holders to a maximum of 55 LCS other than sandbar sharks per trip and sets the default LCS retention limit for shark directed LAP holders to 45 LCS other than sandbar sharks per trip. NMFS may adjust the commercial LCS retention limit before the start of or during a fishing season, based on the fishing rates from the current or previous years, among other factors. In order to increase the commercial LCS retention limit, NMFS is using a portion of the unharvested sandbar shark research fishery quota to account for any dead discards of sandbar sharks that might occur with a higher commercial LCS retention limit. As such, the sandbar shark research fishery quota has been reduced accordingly.

Regarding the SCS fishery in the Atlantic region, this final rule establishes a management boundary in the Atlantic region along 34°00′ N. lat. for the SCS fishery and adjusts the SCS quotas. Specifically, retention of blacknose sharks will be prohibited north of 34°00′ N. lat., necessitating the removal of the quota linkage between blacknose and non-blacknose SCS north

of 34°00′ N. lat. However, NMFS is maintaining the quota linkage between non-blacknose SCS and blacknose sharks south of 34°00′ N. lat. With these changes, fishermen operating north of 34°00′ N. lat. will be able to continue to fish for non-blacknose SCS once the blacknose quota is harvested, provided that non-blacknose SCS quota is available. Fishermen operating south of 34°00′ N. lat. will not be able to fish for non-blacknose SCS or blacknose sharks once either quota is harvested. Furthermore, in order to account for any blacknose shark discard mortality north of 34°00′ N. lat., NMFS is reducing the Atlantic blacknose shark quota from 18 mt dw (39,749 lb dw) to 17.2 mt dw (37,921 lb dw). This final rule also establishes a non-blacknose SCS TAC of 489.3 mt dw (1,078,711 lb dw) and increases the commercial quota to 264.1 mt dw (582,333 lb dw). Results of the 2013 stock assessments for Atlantic sharpnose and bonnethead sharks showed that both species would not become overfished or experience overfishing at these harvest levels. As described below, these measures in the final rule have been modified from the proposed rule based on additional data analyses and public comment on sub-regional quotas and the non-blacknose SCS TAC and commercial quota.

This final rule also modifies the LCS and SCS commercial quotas in the GOM region. Specifically, this final rule apportions the GOM regional commercial quotas for aggregated LCS, blacktip, and hammerhead sharks into western and eastern sub-regional quotas along 88°00′ W. long. West of 88°00′ W. long., the sub-regional quotas are as follows: 231.5 mt dw for blacktip shark, 72.0 mt dw for aggregated LCS, and 11.9 mt dw for hammerhead shark. East of 88°00′ W. long., the sub-regional quotas are as follows: 25.1 mt dw for blacktip shark, 85.5 mt dw for aggregated LCS, and 13.4 mt dw for hammerhead shark. This final rule also implements a non-blacknose SCS TAC of 999.0 mt dw (2,202,395 lb dw), increases the non-blacknose SCS commercial quota to 112.6 mt dw (248,215 lb dw), prohibits retention of blacknose sharks in the GOM region, and removes the linkage between blacknose and non-blacknose SCS quotas. These non-blacknose SCS TAC and commercial quota levels would account for all blacknose shark mortality, including blacknose shark discards that were previously landed. As described below, the GOM management measures in the final rule have been modified from the proposed rule based on additional data analyses and public comment.

This final rule also removes the upgrading restrictions for shark directed LAP holders. Before this rule, an owner could upgrade a vessel with a shark directed LAP or transfer the shark directed LAP to another vessel only if the upgrade or transfer did not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. Removing these restrictions allows shark directed LAP holders to upgrade their vessel or transfer the shark directed LAP to another vessel without restrictions related to an increase in horsepower, length overall, or tonnage.

All management measures in Amendment 6 will be effective upon publication of the final rule in the **Federal Register**.

Response to Comments

During the proposed rule stage, NMFS received approximately 30 written comments from fishermen, States, environmental groups, academia and scientists, and other interested parties. NMFS also received feedback from the HMS Advisory Panel, constituents who attended the four public hearings held from February to March 2015 in St. Petersburg, FL, Melbourne, FL, Belle Chasse, LA, and Manteo, NC, and constituents who attended the conference call/webinar held on March 25, 2015. Additionally, NMFS consulted with the five Atlantic Regional Fishery Management Councils, along with the Atlantic States and Gulf States Marine Fisheries Commissions. A summary of the comments received on the proposed rule during the public comment period is provided below with NMFS' responses. All written comments submitted during the comment period can be found at *http://www.regulations.gov* by searching for NOAA–NMFS–2010–0188.

Permit Stacking

Comment 1: NMFS received overall support for not implementing permit stacking under Alternative A1, including from the North Carolina Division of Marine Fisheries (NCDMF), South Carolina Department of Natural Resources (SCDNR), Virginia Marine Resources Commission (VAMRC), the Mid-Atlantic Fishery Management Council (MAFMC), and the Florida Fish and Wildlife Conservation Commission (FWC).

Response: NMFS preferred the No Action alternative in the proposed rule for Amendment 6, which would not implement permit stacking and continue to allow only one directed limited access permit per vessel and thus one retention limit. All the comments received supported the No Action alternative and agreed with NMFS' rationale that while permit stacking may have beneficial socioeconomic impacts for those fishermen that already have multiple directed shark permits or that can afford to buy additional permits, it would disadvantage those fishermen unable to buy additional permits. Permit stacking would create inequitable fishing opportunities among directed permit holders if those fishermen that currently have multiple directed permits or that could afford to buy additional directed permits gain an economic advantage from the higher retention limit resultant from permit stacking. Therefore, based on these comments, NMFS is maintaining the status quo in this action and is not implementing permit stacking.

Commercial Shark Retention Limit

Comment 2: Commenters, including the NCDMF, SCDNR, and VAMRC, supported NMFS' proposal to increase the commercial retention limit to 55 LCS per trip, while other commenters preferred a lower retention limit of 45 LCS per trip. Those commenters were concerned that the higher retention limit would increase participation in the fishery and cause the quotas to be harvested faster, especially since the quotas were not increasing. NMFS also received comments that the increased retention limit would only help state-water fishermen and not federally-permitted fishermen, because the state-water fishermen have shorter travel times to fishing grounds and fewer fishing restrictions than the federally-permitted shark fishermen.

Response: NMFS agrees with the comments that an increased LCS retention limit could cause the quotas to be harvested faster and could result in permit holders who have not participated in recent years re-entering the commercial shark fishery or selling their permits to fishermen who want to enter the commercial shark fishery. Because new or returning fishermen do not have the same experience as current fishermen in avoiding sandbar sharks while also avoiding other prohibited species such as dusky sharks, NMFS believes that increasing the retention limit too much could potentially have negative impacts such as increased sandbar shark discards. NMFS' goal with the preferred LCS retention limit of 55 LCS per trip is to increase the profitability of shark trips within current LCS quotas. Thus, as described in Chapters 2 and 4 in the Final EA,

NMFS continues to prefer to increase the commercial retention limit to a maximum of 55 LCS other than sandbar sharks per trip. However, based on public comment and due to concerns that new or returning shark fishermen may not have the experience needed to avoid certain shark species, NMFS is establishing a default commercial retention limit of 45 LCS other than sandbar sharks per trip. If the quotas are being harvested too slowly or too quickly, NMFS may use current regulations to adjust the trip limit inseason to account for spatial and temporal differences in the shark fishery. Adjusting the commercial LCS retention limit on an inseason basis will allow NMFS the ability to ensure equitable fishing opportunities throughout a region or sub-region. With regard to state-water shark fishermen, many states do not have species-specific commercial fishing permits, and instead rely on a general commercial fishing permit. In other words, a state commercial fishing permit allows fishermen to fish commercially for any species of fish, not just sharks. Fishermen who fish in state waters must comply with the state fishing regulations. Fishermen that have a directed or incidental federal shark commercial permit must abide by federal regulations, including retention limits, and must sell to a federally permitted dealer when fishing in federal or state waters. Overall, NMFS believes that establishing a default commercial retention limit of 45 LCS other than sandbar sharks per trip would benefit federally-permitted fishermen by providing increased profitability of shark trips within current LCS quotas, and increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries.

Comment 3: Some commenters were concerned that the ratios of LCS to sandbar shark used for calculating the commercial retention limits and the adjusted sandbar shark research fishery quota were incorrect. In addition, some commenters expressed concern that NMFS does not know the catch composition of state-water fishermen and therefore could not accurately estimate what impact an increased retention limit would have on the sandbar shark research fishery quota.

Response: NMFS used observer data from 2008 through 2013 to calculate the ratio of LCS to sandbar shark to analyze the impacts of modifying the commercial retention limit and adjusting the shark research fishery sandbar shark quota. While most of these data are from federal waters and not state waters, these data are the best data available to determine the catch composition ratio of LCS to sandbar sharks in the fishery. As described in this final rule, based on public comment and discussions with the SEFSC, NMFS revised the calculations slightly, resulting in adjustments to the sandbar shark research fishery quota. Specifically, in the Draft EA, NMFS calculated the number of directed trips where directed shark permit holders reported landing at least one LCS in their vessel logbook report from 2008 through 2012. Using this definition of a directed trip overestimated the number of directed shark trips taken every year. In the Final EA, NMFS calculated the number of directed trips when LCS accounted for at least two-thirds of the landings in vessel logbook reports from 2008 through 2013; this is the same approach the observer program uses to determine which vessels should be observed in the LCS fishery. Based on the variability in the directed shark trips by region and year, and the fact that the increased retention limit might result in fewer trips, NMFS decided to use the average number of directed shark trips in the calculations for the adjusted sandbar shark research fishery quota. Using the revised directed shark trips calculations, NMFS is adjusting the sandbar shark fishery quota in Alternative B2 from 75.7 mt dw in the proposed rule to 90.7 mt dw in the final rule. The increased sandbar shark fishery quota should not impact the research fishery at current funding levels, since the sandbar shark fishery quota under Amendment 6 would still be less than the current quota of 116.6 mt dw, and should ensure that a sufficient amount of sandbar quota is available for the sandbar shark research fishery while accounting for sandbar shark interactions in the LCS fishery under a higher retention limit.

Comment 4: NMFS received a comment to change the commercial shark retention limit back to a weight limit. The commenter would prefer a 2,000 lb trip limit rather than a number trip limit. The commenter believes that it would be easier to enforce trip tickets and dealer landings if it was a weight limit since the weight of 36 LCS per trip can vary and it is easier for fishermen to land more than the current trip limit.

Response: Currently, the commercial retention limit is 36 LCS other than sandbar sharks per trip, which was implemented in 2008 under Amendment 2 to the 2006 Consolidated HMS FMP (Amendment 2). Before 2008, the commercial retention limit was 4,000 lb dw LCS per trip. NMFS changed the commercial retention limit from a weight based trip limit to a number of sharks per trip because the 4,000 lb dw LCS trip limit would have caused the sandbar shark TAC and blacktip shark quotas that were implemented in Amendment 2 to be exceeded. NMFS believes that a retention limit that is based on number of sharks per trip is easier to monitor and makes compliance with these regulations easier for fishermen. In addition, a retention limit based on number of sharks per trip eases at-sea and at-port enforcement of retention limit regulations. Thus, for these reasons, NMFS did not consider changing the retention limit from a number of sharks back to weight based retention limits in this rulemaking.

Comment 5: NMFS received comments to establish the commercial shark retention limit by gear type. Specifically, the commenters suggested a limit of 55 LCS per trip for fishermen using bottom longline gear and a limit of 105 LCS per trip for fishermen using gillnet gear. The commenters stated that with one retention limit for all gear types, bottom longline fishermen would always have a greater profit per trip than gillnet fishermen because bottom longline fishermen catch larger sharks than gillnet fishermen.

Response: As described in the Draft EA for Amendment 6 under Alternative G, NMFS considered separate retention limits by gear type, but did not further analyze this alternative. Observer data from 2008–2013 confirms that gillnet fishermen are catching smaller LCS than fishermen using bottom longline gear. These smaller LCS are likely juvenile sharks. If NMFS were to separate the retention limits for LCS by gear type and increase the limit for gillnet fishermen, gillnet fishermen would be landing a higher number of juvenile LCS. Given the susceptibility of many shark species to overfishing and the number of LCS that have either an unknown or overfished status, NMFS does not want to increase mortality on one particular life stage of any shark species without stock assessment analyses indicating that the species and/or stock can withstand that level of fishing pressure. In addition, setting different retention limits for bottom longline and gillnet gears could complicate enforcement of the regulations. It is for these reasons that NMFS did not further analyze the impacts of setting retention limits based on gear types in the proposed or final rule for Amendment 6.

Atlantic and Gulf of Mexico Regional and Sub-Regional Quotas

Overall

Comment 6: Some commenters, including NCDMF, noted that the fishing season opening dates have a direct impact on fishing effort and participation from any particular region and expressed concern regarding the years chosen to calculate the sub-regional quotas based on landing history. Specifically, commenters were concerned that some of the years chosen may have disadvantaged their area.

Response: In this rulemaking, because of similar concerns expressed at the Predraft stage, NMFS took into consideration how the seasonal opening dates have impacted fishing effort and participation. For example, in the alternatives where NMFS considered apportioning the Atlantic blacknose and non-blacknose SCS quotas into sub-regions, NMFS used data from 2011 through 2012 since these were the only years that the blacknose shark quota linkage did not affect fishing effort for non-blacknose SCS. In the Gulf of Mexico region, NMFS used the range of data from 2008 through 2013 in the sub-regional data calculations for the blacktip and aggregated LCS quotas since the seasonal opening dates did not impact the fishing effort and participation in those years. However, as explained in response to comment 8 below, based on public comments opposed to implementing sub-regional quotas in the Atlantic region, NMFS changed the preferred alternative in this final rule and is not implementing sub-regional LCS and SCS quotas in the Atlantic region. This change is aligned with one of the objectives of Amendment 6, which is intended to respond to the changing needs of the Atlantic shark fisheries.

Comment 7: Some commenters expressed concern regarding how NMFS plans to count the landings for each sub-regional quota. Commenters are concerned that fishermen near the boundary lines will change where they fish or just state that they were fishing in the other sub-region when quota in their sub-region is close to 80 percent. In addition, commenters have expressed concern that NMFS will not be able to enforce where the sharks are caught and which sub-regional quota the landings are counted towards. Instead, commenters preferred that NMFS count the landings where the shark is landed instead of where it is caught.

Response: When NMFS started managing shark quotas regionally, NMFS also began monitoring shark quotas based on where the shark was landed. NMFS found this approach did not work for the shark fishery for a variety of reasons. NMFS found there are a number of shark fishermen who land their sharks at private docks or at docks that are not owned by the dealer purchasing the sharks. Once landed, the fisherman transports the sharks to the dealer via truck or other methods. At that time, the ''landings'' were counted against where the dealer was located and not where the fish were actually landed. When the dealer is located in a different region from the fisherman, it causes problems—particularly if the management of the shark species was split into regions based on the results of stock assessments. Additionally, fishermen do not always fish for sharks and land those sharks in the same region. With the implementation of the HMS electronic reporting system (eDealer) in 2013, NMFS began monitoring shark quotas based on where the sharks were reported to be caught. NMFS has found few problems with this approach since the implementation of eDealer and has not experienced any problems with managing landings reported on either side of an established management boundary (*e.g.*, the Miami-Dade line which separates the Atlantic and Gulf of Mexico regions). NMFS will continue to monitor landings via eDealer and count shark landings based on where they are caught instead of where they are landed. This approach should allow NMFS to count shark landings more accurately against the appropriate regional and sub-regional shark quotas. eDealer will incorporate the new sub-regional quota areas in the GOM to ensure that shark landings in the Gulf are counted against the appropriate GOM sub-regional quota. However, if in the future NMFS notices discrepancies regarding where sharks are caught versus landed (*e.g.*, in a comparison between observer data and dealer data), NMFS may reconsider this issue.

Comment 8: NMFS received multiple comments to revise or remove all quota linkages between the SCS and LCS management groups in both the Atlantic and Gulf of Mexico regions. In the Atlantic region, commenters requested that all quota linkages be removed. In the Gulf of Mexico region, commenters requested that the non-blacknose SCS and blacknose linkage be removed, and that the blacktip shark management group be linked to the aggregated LCS and hammerhead shark management groups in each sub-region.

Response: The current LCS and SCS quota linkages were created for shark species that are in separate management groups, but that have the potential to be caught together on the same shark fishing trip (*e.g.*, non-blacknose SCS and blacknose sharks). If the quota for one management group has been filled and the management group is closed, that species could still be caught as bycatch by fishermen targeting other shark species, possibly resulting in excess mortality and negating some of the conservation benefit of management group closures. In addition, shark quota linkages were put into place as part of the rebuilding plans for shark species that are overfished in order to reduce excess mortality of the overfished species during commercial fishing for other shark species. Thus, NMFS closes the linked shark management groups together. However, based on public comment and additional analyses, NMFS is adjusting the quota linkage changes that were proposed in Draft Amendment 6. Specifically, in the Atlantic region, NMFS is establishing a management boundary at 34°00′ N. latitude for the SCS fishery. NMFS is prohibiting landings of blacknose sharks and removing the quota linkage between the non-blacknose SCS and blacknose sharks north of 34°00′ N. latitude. NMFS is keeping the quota linkage between non-blacknose SCS and blacknose sharks south of 34°00′ N. latitude, since fishermen would still be allowed to land blacknose sharks in this area and most of the blacknose sharks are landed there. NMFS is also maintaining the current quota linkages between the aggregated LCS and hammerhead shark management groups in the Atlantic region. In the Gulf of Mexico, based on public comment and additional analyses, NMFS is removing the quota linkage between the non-blacknose SCS and blacknose sharks in the Gulf of Mexico region and prohibiting the retention and landings of blacknose sharks. In order to account for regulatory discards from the prohibition of blacknose sharks, NMFS is adjusting the Gulf of Mexico non-blacknose SCS commercial quota, taking into account the Gulf of Mexico blacknose shark TAC. As for the blacktip, aggregated LCS, and hammerhead shark management groups, NMFS is maintaining the current quota linkages for these management groups in the Gulf of Mexico because of the unknown status of aggregated LCS and the overfished and overfishing status of the hammerhead shark complex.

Comment 9: NMFS received a comment suggesting consideration of the International Commission for the Conservation of Atlantic Tunas (ICCAT) rule that prohibited landings of hammerhead sharks with pelagic

longline gear in the sub-regional quota calculations. The commenter believes that landing percentages by sub-region would be different pre- and post-rulemaking, and should not include the range of years since the fishery has changed due to the rulemaking.

Response: To comply with ICCAT Recommendations 10–07 and 10–08, NMFS implemented a final rule (76 FR 53652; August 29, 2011) prohibiting the retention, transshipping, landing, storing, or selling of hammerhead sharks (except bonnethead sharks) and oceanic whitetip sharks caught in association with ICCAT fisheries. This rule affected the commercial HMS pelagic longline fishery and recreational fisheries for tunas, swordfish, and billfish in the Atlantic Ocean, including the Caribbean Sea and Gulf of Mexico. In the proposed rule for Amendment 6, NMFS did not modify the landings from pelagic longline fishermen to account for that rule change, as few hammerhead sharks were landed by pelagic longline fishermen between 2008 and 2011. Thus, including these calculations would not have impacted the sub-regional quota calculations or NMFS' decision regarding measures adopted in this final rule. In the Atlantic region, NMFS is not implementing sub-regional quotas for the hammerhead shark management group at this time. Instead, NMFS is maintaining the overall hammerhead quota in the Atlantic region. In the Gulf of Mexico region, NMFS is establishing sub-regional quotas for the hammerhead shark management group, but NMFS revised the data used for the sub-regional quota calculation using 2014 eDealer landings data to determine the sub-regional quotas. Since this data is well after the implementation of the ICCAT rule in 2011, the sub-regional quota calculations are based on landings after the rule was in place.

Atlantic Regional and Sub-Regional Quotas

Comment 10: NMFS received some support for sub-regional quotas in the Atlantic region, including from the NCDMF, SCDNR, VAMRC, and MAFMC. Both the SCDNR and VAMRC supported the preferred Alternative C4 for the LCS and SCS fishery management groups, but expressed concern for equitable fishing opportunities when the opening date for the LCS management groups is chosen. The NCDMF, MAFMC, and other constituents supported the preferred Alternative C4, but for only the SCS management group. They did not support implementation of sub-regional quotas for the aggregated LCS and hammerhead shark management groups, requesting that NMFS examine other options for these groups. The NCDMF and MAFMC requested that NMFS implement seasons for the aggregated LCS fishery with 50 percent of the quota being available on January 1 and 50 percent of the quota being available on July 1 or July 15. Other commenters requested that NMFS use inseason trip limit adjustments for the LCS fishery instead of sub-regional quotas. The FWC did not support any of the sub-regional quota alternatives as proposed, but the FWC consulted with Florida fishery participants and FWC supports dividing the Atlantic at 34°00′ N latitude if NMFS establishes sub-regions for either the SCS or LCS fisheries.

Response: Based on public comment and additional analyses, NMFS developed a new preferred alternative, Alternative C8, which maintains the status quo for the LCS and SCS regional commercial quotas and does not apportion these quotas into sub-regions. NMFS will continue to determine season opening dates and adjust the LCS retention limits inseason in order to provide equitable fishing opportunities to fishermen throughout the Atlantic region.

In addition, NMFS is establishing a management boundary line in the Atlantic region along 34°00′ N. latitude for the SCS fishery. South of 34°00′ N. latitude, NMFS is maintaining the quota linkage between non-blacknose SCS and blacknose sharks. North of 34°00′ N. latitude, NMFS is prohibiting the commercial retention of blacknose sharks and removing the quota linkage between non-blacknose SCS and blacknose sharks. Additionally, in order to account for blacknose shark discard mortality north of 34°00′ N. latitude, NMFS is reducing the Atlantic blacknose shark quota from 18 mt to 17.2 mt dw, based on historical landings of blacknose sharks in that area. In establishing this management boundary, as long as quota is available, fishermen south of 34°00′ N. latitude could fish for, land, and sell both blacknose and non-blacknose SCS. However, as soon as either quota is harvested, the entire commercial SCS fishery south of 34°00′ N. latitude will close. For fishermen south of 34°00′ N. latitude, this is status quo. However, in a change from status quo, fishermen north of 34°00′ N. latitude could fish for, land, and sell non-blacknose SCS as long as quota is available, but would not be allowed to land or possess blacknose sharks. Overall, establishing this management boundary could result in commercial fishermen north of 34°00′ N. latitude possessing and landing non-blacknose SCS if non-blacknose SCS quota is available at the same time as commercial fishermen south of 34°00′ N. latitude cannot possess or land any SCS because of the quota linkage between blacknose and non-blacknose SCS. Prohibiting blacknose sharks and removing quota linkages north of 34°00′ N. latitude could have beneficial social and economic impacts for those fishermen, as fishermen in the area above 34°00′ N. latitude would be able to continue fishing for non-blacknose SCS without being constrained by the fishing activities south of 34°00′ N. latitude, where the majority of blacknose sharks are landed. Additionally, these management measures will not hinder blacknose shark rebuilding or have negative impacts on any other SCS because fishermen above and below the management boundary will still be fishing under quotas that are consistent with the most recent stock assessments. However, fishermen south of 34°00′ N. latitude will likely not see any short- and long-term social or economic benefits and will need to continue to avoid blacknose sharks, consistent with the rebuilding plan, in order to land non-blacknose SCS.

Comment 11: The SCDNR did not support Alternative C3, which would create sub-regional quotas at 33°00′ N. latitude, since the sub-regional quota line would split the State of South Carolina and cause confusion with the fishermen and dealers in the area.

Response: As discussed above, NMFS is not implementing sub-regional quotas in the Atlantic based on comments received and additional analyses. NMFS created a new preferred alternative, Alternative C8, which maintains the status quo for the LCS and SCS regional commercial quotas and creates a new management boundary at 34°00′ N. lat. for the blacknose and non-blacknose SCS management groups in the Atlantic region.

Comment 12: NMFS received overall comments on the opening and closing of the LCS and SCS management groups in the Atlantic region. The comments ranged from opening the LCS management group on January 1 or March 1 to maintaining a consistent season opening date every year for the LCS management groups to opening and closing the LCS and SCS management groups together.

Response: NMFS will evaluate several ''Opening Commercial Fishing Season'' criteria (§ 635.27(b)(3)) as well as the new management measures in this final action when determining the opening dates for the Atlantic shark fisheries. The ''Opening Fishing Season'' criteria

consider factors such as the available annual quotas for the current fishing season, estimated season length and average weekly catch rates from previous years, length of the season and fishermen participation in past years, impacts to accomplishing objectives of the 2006 Consolidated HMS FMP and its amendments, temporal variation in behavior or biology of target species (*e.g.*, seasonal distribution or abundance), impact of catch rates in one region on another, and effects of delayed season openings. NMFS will publish the season opening dates of the Atlantic shark fishery and the shark fishery quotas in the 2016 Atlantic shark season specifications proposed and final rules.

Comment 13: NMFS received a number of requests, including from the NCDMF, SCDNR, VAMRC, and MAFMC, to change the Atlantic non-blacknose SCS TAC and quota from Alternative C6 to Alternative C7, to increase the non-blacknose SCS TAC and quota to the highest amount analyzed, because the fishery should not be limited by the bonnethead shark stock assessment, since bonnethead sharks do not comprise a large portion of landings.

Response: After consulting with the HMS Advisory Panel and other constituents and re-reviewing the data from the stock assessments, NMFS is preferring Alternative C7 and implementing a non-blacknose SCS TAC of 489.3 mt dw and a commercial quota of 264.1 mt dw (which is the current adjusted quota). This represents a higher non-blacknose SCS TAC and commercial quota than those preferred in the proposed rule under Alternative C6, likely resulting in shark fishermen taking more trips, in order to land the larger number of non-blacknose SCS allowed. NMFS does not believe that a higher non-blacknose SCS TAC and commercial quota would have a negative impact on the non-blacknose SCS management group, given the results of the SEDAR 34. The projections that were run for Atlantic sharpnose and bonnethead sharks in SEDAR 34 indicated that there was a 70 percent chance that both species would not become overfished or experience overfishing at current harvest levels and could withstand harvest above current levels. NMFS preferred Alternative C6 in the proposed rule to be cautious regarding the ''unknown'' status of bonnethead sharks. However, based on public comments and after reviewing the combined Gulf of Mexico and Atlantic non-blacknose SCS landings in 2014, NMFS found that bonnethead sharks represented only 6 percent of landings, and therefore, limiting the quota based on bonnethead sharks would be overly conservative. Thus, the higher non-blacknose SCS commercial quota under Alternative C7 would continue to allow fishermen to land these species at current levels, while maintaining the Atlantic sharpnose and bonnethead stocks at sustainable levels, without unnecessarily limiting the quota, and thus limiting economic gains, due to bonnethead sharks. Regarding finetooth sharks, while results from the SEDAR 13 stock assessment for finetooth sharks should be viewed cautiously, NMFS does not anticipate that this quota would negatively impact the finetooth shark stock. The quota under Alternative C7 is significantly lower than the maximum non-blacknose SCS quota put in place (332.4 mt dw), which still provided for sustainable harvest of non-blacknose SCS. This combined with the fact that finetooth sharks represented only 21 percent of combined Gulf of Mexico and Atlantic non-blacknose SCS landings in 2014, compared to Atlantic sharpnose representing 73 percent, further supports that this quota would have minimal impacts on the finetooth shark stock. The higher non-blacknose SCS commercial quota under the new preferred Alternative C7 will continue to allow fishermen to land these species at current levels, while maintaining the Atlantic sharpnose, bonnethead, and finetooth shark stocks at sustainable levels.

Comment 14: NMFS received a comment stating that NMFS should implement a commercial retention limit for blacknose sharks that ranged from 100–200 lb dw per trip or establish an incidental SCS retention limit of 16 blacknose sharks per trip to directed and incidental shark limited access permit holders in the Atlantic Region.

Response: In the Final EIS for Amendment 5a to the 2006 Consolidated HMS FMP, NMFS included the consideration of a commercial retention limit for blacknose sharks in Section 2.3 Alternatives Considered But Not Further Analyzed. Blacknose sharks are known to form large schools, and even skilled fishermen with a high success rate of avoiding blacknose sharks may still encounter schools. Applying a blacknose shark retention limit of 16 sharks per trip could result in sets with high regulatory dead discards because the trip limit would be too low to cover the rare events where large numbers of blacknose sharks are incidentally encountered. NMFS also examined the blacknose shark landings from the HMS electronic dealer data in 2013 and 2014 on a per trip basis. In 2013, 285 trips landed blacknose sharks and, in 2014, there were 178 trips that landed blacknose sharks. The majority of these trips landed less than 200 lbs of blacknose sharks per trip. While a blacknose shark commercial retention limit could reduce the incentive for fishermen to avoid catching blacknose sharks, the creation of a commercial retention limit for blacknose sharks could also increase the incentive to maximize landings of blacknose sharks on each trip, thus causing the blacknose quota to be harvested faster and leading to a closure of both the blacknose and non-blacknose SCS quotas. Therefore, NMFS prefers to address blacknose shark landings and discards by linking the blacknose shark and non-blacknose SCS quotas, which should provide greater and more effective incentive for reducing landings of blacknose sharks than a retention limit, thus more effectively managing the blacknose fishery in a manner that maximizes resource sustainability, while minimizing, to the greatest extent possible, socioeconomic impacts.

Gulf of Mexico Regional and Sub-Regional Quotas

Comment 15: NMFS received general support for the idea of sub-regional quotas in the Gulf of Mexico and requests for specific changes to the preferred alternative. The FWC, after consulting with Florida fishery participants, supported dividing the Gulf of Mexico at 88°00' W. longitude. Other commenters also supported changing the sub-regional quota line to 88°00' or 88°30' W. longitude. In general, commenters suggested moving away from the proposed 89°00' W. longitude as they felt this boundary would not create enough geographic separation between the fishing activities of fishermen from the western Gulf of Mexico and those in the eastern Gulf of Mexico. These commenters felt that fishermen from the western Gulf of Mexico were close enough to the boundary that they would easily fish on both sides of the boundary, ultimately compromising the fishing opportunities of fishermen from the eastern Gulf of Mexico (who were further from the boundary between the sub-regions). Commenters also indicated that hammerhead sharks are landed in the western Gulf of Mexico and requested some hammerhead shark quota to the western Gulf of Mexico sub-region so hammerhead sharks can be landed and not discarded.

Response: NMFS proposed to apportion the GOM regional commercial quotas for LCS into western and eastern sub-regions along 89°00' W. longitude,

maintain the hammerhead and aggregated LCS linkages in the eastern sub-region, and remove this linkage and prohibit hammerhead sharks in the western sub-region. In the proposed rule, NMFS also evaluated alternatives which apportion the GOM regional commercial quotas for LCS into western and eastern sub-regions along 89°00' W. and 88°00' W. longitude with maintaining the hammerhead and aggregated LCS linkages in the eastern and western sub-regions. In those alternatives, for the western sub-region of the Gulf of Mexico, the aggregated LCS quota would be linked to a very small hammerhead shark quota (0.1 mt dw; 334 lb dw). Due to the management difficulty of managing such a small quota and to avoid having the aggregated LCS fishery close early, NMFS preferred to prohibit hammerhead sharks in the western sub-region. Based on public comments and additional analyses, and after consulting with the HMS AP, NMFS is apportioning the GOM regional commercial quotas for aggregated LCS, hammerhead, and blacktip shark management groups into eastern and western sub-regional quotas along 88°00' W. long. As the range of Louisiana fishermen extends east beyond 89°00' W. longitude, placing the boundary at this location would have allowed active shark fishermen in the western sub-region to utilize both sub-regional quotas while active shark fishermen in the eastern sub-region would be limited to just the eastern sub-region quota. As such, this sub-regional boundary would have resulted in less equitable economic benefits to fishermen in both sub-regions. NMFS agrees that this is a more appropriate boundary between the sub-regions, as it would provide better geographic separation between the major stakeholders in the GOM, in order to prevent active shark fishermen in the western sub-region from utilizing both sub-regional quotas to the detriment of shark fishermen who fish entirely in the eastern sub-region. This change in the sub-regional split should provide more equitable economic benefits to fishermen in both sub-regions, by allowing them increased likelihood of fully harvesting their sub-regional quota, and maximizing the potential annual revenue they could gain upon implementation of sub-regional quotas in the GOM.

Additionally, NMFS is no longer prohibiting retention of hammerhead sharks in the western sub-region of the GOM. Under the preferred alternative in the proposed rule for Amendment 6, 99.4 percent of the hammerhead shark base annual quota would have been apportioned to the eastern sub-region, while only 0.6 percent would have gone to the western sub-region. Based on these percentages, NMFS felt it was appropriate to maintain the linkage between aggregated LCS and hammerhead sharks in the eastern GOM sub-region because of the overlap of ranges of these management groups. In addition, in the proposed rule, the preferred alternative would have eliminated the linkage between aggregated LCS and hammerhead sharks in the western Gulf of Mexico sub-region and prohibited the harvest and landings of hammerhead sharks in the western Gulf of Mexico sub-region, due to predicted challenges associated with monitoring a small quota of 0.1 mt dw. However, based on public comment, NMFS took another look at the GULFIN landings data originally used for the calculation of the hammerhead shark sub-regional quotas. NMFS became aware that there were errors in how hammerhead sharks were reported in GULFIN, and also that the new hammerhead shark management group (implemented mid-season in 2013 under Amendment 5a to the 2006 Consolidated HMS FMP) impacted the landings data in GULFIN. Due to these issues, landings of hammerhead sharks reported in GULFIN likely underestimate the magnitude and regional distribution of landings in the GOM. To corroborate public comments that indicated there were increased landings of hammerhead sharks in the western sub-region, NMFS reviewed eDealer data from 2014, and decided in this final rule to apportion the hammerhead shark quota between the two sub-regions. This change is consistent with and furthers the fundamental purpose and intent of the rule, as expressed in the proposed rule, to set quotas for the sub-regions that accurately reflect landings in each sub-region. Using the eDealer data better satisfies that intent because it better reflects the current hammerhead shark landings in the Gulf of Mexico. The resultant sub-regional quotas will prevent large numbers of hammerhead sharks from being unnecessarily discarded in the western sub-region.

Comment 16: NMFS received support for Alternative D7 in the GOM region, which would increase the non-blacknose SCS TAC and quotas to the highest amounts analyzed. Commenters felt this alternative would not limit SCS fisheries based on the results of the bonnethead shark stock assessment. Commenters also requested that NMFS remove the quota linkage between the non-blacknose SCS and blacknose shark management groups and prohibit the retention of blacknose sharks in the GOM because the small blacknose shark quota has the potential to close the non-blacknose SCS fishery before the entire non-blacknose SCS quota can be harvested.

Response: In the proposed rule, NMFS proposed to establish a GOM non-blacknose SCS TAC of 954.7 mt dw and a commercial quota of 68.3 mt dw (current adjusted quota) based on the SEDAR 34 stock assessment, which accounted for uncertainty in the bonnethead assessment. However, NMFS has developed a new preferred alternative in this final rule (Alternative D8) based on these comments and additional analyses, establishing a non-blacknose SCS TAC of 999.0 mt dw and increasing the commercial quota to 112.6 mt dw (248,215 lb dw). This new preferred alternative retains the non-blacknose SCS quota originally considered under Alternative D7, but also prohibits blacknose sharks in the GOM and adjusts the commercial quota to account for blacknose shark discards, so that the level of discards would not exceed the 2015 base annual blacknose shark quota of 2.0 mt dw. Because projections from the GOM bonnethead and Atlantic sharpnose shark stock assessments indicated that there was a 70-percent chance that both stocks could withstand harvest levels almost double current levels, NMFS believes there is a relatively low likelihood that the higher non-blacknose SCS TAC and commercial quota would negatively impact the Atlantic sharpnose, bonnethead, or finetooth shark stocks. Based on public comments and a review of landings data, NMFS found that bonnethead sharks represented only 6 percent of the combined Gulf of Mexico and Atlantic non-blacknose SCS landings in 2014, and therefore, limiting the quota based on bonnethead sharks is overly conservative. Finetooth sharks represented only 21 percent of combined Gulf of Mexico and Atlantic non-blacknose SCS landings in 2014, compared to Atlantic sharpnose representing 73 percent, indicating that the increased quota would have minimal impacts on finetooth sharks. Additionally, the higher non-blacknose SCS commercial quota under Alternative D8 would continue to allow fishermen to land these species at current levels, while maintaining the Atlantic sharpnose and bonnethead stocks at sustainable levels, without unnecessarily limiting the quota due to

bonnethead sharks and limiting economic gains.

Additionally, while the commercial non-blacknose SCS quota in Alternative D8 would be lower than the quota considered under Alternative D7, removal of the quota linkage between blacknose and non-blacknose SCS (due to the prohibition of blacknose sharks) would increase the likelihood that fishermen in the GOM could harvest the entire non-blacknose SCS quota. In the Draft EA for Amendment 6, NMFS had stated that prohibiting all landings of blacknose sharks could possibly result in a loss of revenue for fishermen who land small amounts of blacknose sharks (as all interactions would be turned into discards). The socioeconomic benefits gained by access to a larger non-blacknose SCS quota, which would no longer be linked to the blacknose shark quota, would outweigh the potential revenue gained from being able to retain and land blacknose sharks. Fishermen in the GOM have also been requesting a prohibition on landing and retention of blacknose sharks since Amendment 3 to the 2006 Consolidated HMS FMP, when blacknose sharks were separated from the SCS management group and linked to the newly created non-blacknose SCS management group. The small blacknose shark quota has resulted in early closure before the non-blacknose SCS quota could be harvested. However, in recent years, blacknose sharks have not been the limiting factor in initiating closure of the linked SCS management groups in the Gulf of Mexico; instead, it has been landings of non-blacknose SCS either exceeding or being projected to exceed 80 percent of the quota. This combined with the fact that fishermen have demonstrated an ability to largely avoid blacknose sharks with the use of gillnet gear, suggest that mortality of blacknose sharks under Alternative D8 could be lower than that under the current quota.

Modifying Commercial Vessel Upgrading Restrictions

Comment 17: Constituents, including the NCDMF, SCDNR, MAFMC, and FWC, supported NMFS's proposal to remove the commercial vessel upgrading restriction under Alternative E2.

Response: In the proposed rule for Amendment 6, NMFS preferred to remove the current upgrading restrictions for shark limited access permit holders. All the comments received supported this measure. Therefore, in part based on these comments, NMFS is removing the upgrading restrictions for shark limited access permit holders in the final rule.

Comment 18: NMFS received comments to further investigate the need for upgrading restrictions in other HMS permits.

Response: NMFS appreciates the comments and recognizes the need to potentially investigate whether it is appropriate to remove upgrading restrictions for the other commercial HMS permits. However, this request is outside of the scope of this current shark fishery rulemaking. NMFS may consider the need for upgrading restrictions in other HMS permits in a future rulemaking.

General Comments

Comment 19: NMFS received suggestions to stop all shark fishing.

Response: National Standard 1 requires NMFS to prevent overfishing while achieving, on a continuing basis, optimum yield from each fishery for the U.S. fishing industry. NMFS continually monitors the federal shark fisheries, and based on the best available scientific information, takes action needed to conserve and manage the fisheries. The primary goal of Amendment 6 is to implement management measures for the Atlantic shark fisheries that will achieve the objectives of increasing management flexibility to adapt to the changing needs of the shark fisheries, prevent overfishing while and achieving on a continuing basis optimum yield, and rebuilding overfished shark stocks.

Comment 20: NMFS received multiple comments referring to the SEDAR shark stock assessment for Atlantic sharpnose and bonnethead sharks. One commenter believes the SEDAR process is flawed and gravely over-estimates the shark population in the world. Other commenters focused on the list of future SEDAR stock assessments and the timeline of those stock assessments. The NCDMF and other commenters requested that NMFS perform a SEDAR stock assessment on sandbar and dusky sharks as soon as possible. Another commenter would like NMFS to do another SEDAR stock assessment on the Gulf of Mexico blacktip shark and blacknose shark stocks.

Response: Most of the domestic shark stock assessments follow the SEDAR process. This process is also used by the South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils and is designed to provide transparency throughout the stock assessment. Generally, SEDAR stock assessments are focused on available data, assessment models, and peer review. Sometimes these stages include face to face meetings; other times, the stages are conducted solely by webinar or conference calls. All meetings, webinars, and conference calls are open to the public. All reports from all stages of the process are available online at *http://sedarweb.org/.*

With regard to the timing of upcoming LCS and SCS SEDAR assessments, NMFS aims to conduct a number of shark stock assessments every year and to regularly reassess these stocks. The number of species that can be assessed each year depends on whether assessments are establishing baselines or are only updates to previous assessments. Assessments also depend on ensuring there are data available for a particular species. Tentatively, in addition to the shark assessments being conducted by ICCAT, NMFS is considering a dusky shark update assessment in 2016 and an update assessment for GOM blacktip sharks in 2017. NMFS has not yet decided on which species to assess in 2018.

Comment 21: NMFS received multiple comments on the status of the sandbar shark population. Commenters expressed concern that the impact of the increased sandbar shark population is now impacting other fisheries (*e.g.,* amberjack, red snapper, grouper, tilefish). In addition, commenters believe that NMFS should implement a small retention limit (1–5 per trip) of sandbar sharks in the commercial fishery.

Response: Before the most recent assessment, sandbar sharks were determined to be overfished and experiencing overfishing in a 2005/2006 stock assessment. NMFS established a rebuilding plan for this species in Amendment 2 in July 2008 (NMFS 2008a). Under that rebuilding plan, NMFS determined that sandbar sharks would rebuild by the year 2070 with a total allowable catch of 220 mt ww (158.3 mt dw). Also, as part of that rebuilding plan, NMFS maintained the bottom longline mid-Atlantic shark closed area, prohibited the landing of sandbar sharks in the recreational fishery, and established a shark research fishery in the commercial fishery. Only fishermen participating in the limited shark research fishery can land sandbar sharks.

The SEDAR 21 sandbar shark stock assessment (2011) evaluated the status of the stock based on new landings and biological data, and projected future abundance under a variety of catch levels in the U.S. Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. The base model used in the SEDAR 21 sandbar shark assessment, an age-structured production model, indicated that the stock is overfished (spawning stock fecundity (SSF) 2009/SSFMSY=0.66),

but no longer experiencing overfishing (F2009/FMSY=0.62). According to the SEDAR 21, the sandbar shark stock status is improving, and the current rebuilding timeframe, with the 2008 TAC of 220 mt ww, provides a greater than 70-percent probability of rebuilding by 2070. Having a 70-percent probability of rebuilding is the level of success for rebuilding of sharks that was established in the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks and carried over in the 2006 Consolidated HMS FMP. This stock assessment also indicates that reducing the TAC from the current 220 mt ww to 178 mt ww would provide a 70-percent chance of rebuilding the stock by the year 2066, a reduction of 4 years from the current rebuilding timeframe. Because the current TAC already provides a greater than 70-percent probability of rebuilding, and because overfishing is not occurring and the stock status is improving, in Amendment 5a to the 2006 Consolidated HMS FMP, NMFS maintained the current TAC and rebuilding plan, consistent with the Magnuson-Stevens Act requirements and the National Standard Guidelines.

In the Final EA for Amendment 6, NMFS considered the implementation of a sandbar shark commercial quota (Section 2.6, Alternative F) that would allow commercial fishermen to incidentally land a limited number of sandbar sharks outside the Atlantic shark research fishery. NMFS explored several different options of distributing the unused sandbar shark research quota. While some commenters requested a limited number of sandbar sharks (between 1 to 5 per trip), the available sandbar shark quota would only provide between 1 and 7 sandbar sharks per vessel per year, not per trip. Under all options considered, NMFS is concerned about monitoring and enforcing such small individual annual retention limits without the monitoring mechanisms that are possible under a catch share scenario. NMFS is also concerned that changes to the shark research fishery could have negative effects on the status of the sandbar shark stock, which has improved and stabilized since the inception of the research fishery in 2008. In addition, NMFS is concerned about potential identification issues and impacts to dusky sharks if fishermen were allowed to incidentally land sandbar sharks outside the shark research fishery. Thus, due to these concerns and the benefits to the sandbar and dusky sharks of current management measures, NMFS prefers to continue to only allow commercial sandbar shark landings as part of the shark research fishery. NMFS may reexamine the commercial sandbar shark quotas once a new stock assessment has been completed.

Comment 22: The NCDMF and FWC request that NMFS consider increasing the federal fishery closure trigger for the shark management groups from 80 percent to greater than 90 percent, because the implementation of weekly reporting requirements for dealers and electronic reporting requirements has improved quota monitoring abilities, and increased the timeliness and accuracy of dealer reporting.

Response: NMFS' goal is to allow shark fishermen to harvest the full quota without exceeding it in order to maximize economic benefits to stakeholders while achieving conservation goals, including preventing overfishing. Based on past experiences with monitoring quotas for HMS species, NMFS believes that the 80-percent threshold works well, allowing for all or almost all of the quota to be harvested without exceeding the quota. As such, NMFS expects that, in general, the quotas would be harvested between the time that the 80-percent threshold is reached and the time that the season actually closes. In addition, NMFS must also account for late reporting by shark dealers even with the improved electronic dealer system and provide a buffer to include landings received after the reporting deadline in an attempt to avoid overharvests. At the spring 2015 HMS Advisory Panel meeting, NMFS discussed some of the difficulties in monitoring the shark fishery quotas. Some of the difficulties in monitoring shark fishery quotas include late dealer reporting, state exemptions allowing shark landings following Federal closures of some shark management groups, and late receipt of paper-based trip ticket state dealer data. The reasons listed above have contributed in some cases to the overharvest of some of the shark management groups. As such, NMFS believes that closing the fishery at 90 percent of the harvested quota would not provide a sufficient buffer and could lead to overharvests. These overharvests could result in reduced quotas in the future since all overharvests would be accounted for when establishing subsequent shark fishing seasons and quotas.

Changes From the Proposed Rule (80 FR 2648, January 20, 2015)

NMFS made numerous changes from the proposed rule, as described below.

1. Commercial Retention Limits (§ 635.24(a)(2)) and sandbar shark research fishery quota (§ 635.27(b)(1)(iii)(A)). In response to public comments received and based on discussions with the NMFS Southeast Fisheries Science Center (SEFSC), NMFS revised the calculations used to evaluate the commercial LCS retention limit for shark directed LAP holders. This final rule increases the commercial LCS retention limit to a maximum of 55 LCS other than sandbar sharks per trip and establishes a default LCS retention limit of 45 LCS other than sandbar sharks per trip. If the LCS quotas are being harvested too slowly or too quickly, the existing regulations allow NMFS to adjust the commercial LCS trip limit inseason to account for spatial and temporal differences in the shark fishery. This final rule also reduces the sandbar shark research fishery quota from the current 116.6 mt dw to 90.7 mt dw, which is an increase from the quota in the proposed rule. These revised measures better correspond with NMFS' intent to increase management flexibility to adapt to the changing needs of the Atlantic shark fisheries, while still providing opportunities to collect scientific data in the sandbar shark research fishery.

2. Atlantic Regional and Sub-Regional Quotas (§ 635.27(b)(1)(i), § 635.27(b)(1)(i)(A)–(D), § 635.28(b)(4)(i) and (iv)). In response to public comment and additional analyses, NMFS has modified a number of the proposed management measures in the Atlantic region related to quotas and quota linkages. First, NMFS is not apportioning the Atlantic regional commercial LCS and SCS quotas along 34°00′ N. lat. into northern and southern sub-regional quotas. For LCS, NMFS is instead maintaining the existing regulations that provide for the LCS retention limit to be adjusted during the fishing season to ensure fishermen throughout the region have opportunities to fish for LCS.

Second, for SCS, NMFS is establishing a management boundary in the Atlantic region along 34°00′ N. lat. Retention of blacknose sharks is prohibited north of 34°00′ N. lat., and fishermen fishing north of 34°00′ N. lat. can fish for non-blacknose SCS as long as quota is available. South of 34°00′ N. lat., the quota linkage between blacknose and non-blacknose SCS is maintained, and fishermen in this area may only fish for SCS when quota of both blacknose and non-blacknose SCS is available.

Third, this final rule includes a non-blacknose SCS TAC of 489.3 mt dw (1,078,711 lb dw) and a commercial quota of 264.1 mt dw (582,333 lb dw (*i.e.,* the current adjusted quota)), which is an increase from 401.3 mt dw

(884,706 lb dw) TAC and 176.1 mt dw (388,222 lb dw (*i.e.,* current base) commercial quota in the proposed rule. The final TAC and commercial quota are consistent with results of the 2013 stock assessments, which showed that both species would not become overfished or experience overfishing at these harvest levels, and consistent with NMFS' objectives of preventing overfishing while achieving on a continuing basis optimum yield and rebuilding overfished shark stocks.

The removal of quota linkages north of 34°00′ N. lat., and the increased non-blacknose SCS commercial quota would allow fishermen to maximize fishing opportunities and additional revenues from harvesting more non-blacknose SCS without being constrained by fishing activities south of 34°00′ N. lat., where the majority of blacknose sharks are landed. This new management boundary along 34°00′ N. lat. will not impact LCS, as NMFS will maintain the existing quota linkages for the LCS management groups across the Atlantic region.

3. Gulf of Mexico Regional and Sub-Regional Quotas (§ 635.27(b)(1)(ii), § 635.27(b)(1)(ii)(A)–(E), § 635.28(b)(4)(ii) and (iii)). Similar to the Atlantic region, NMFS has modified a number of the proposed management measures for the GOM region in response to public comment and additional analyses. While NMFS is still apportioning the GOM regional commercial quotas for aggregated LCS, hammerhead, and blacktip shark management groups into eastern and western sub-regional quotas, the boundary line has changed from 89°00′ W. long. to 88°00′ W. long. Additionally, this final rule will not prohibit retention of hammerhead sharks in the western sub-region of the GOM, but instead, apportions the hammerhead shark quota between the two sub-regions.

Changes were also made to management measures impacting the SCS fishery in the GOM region. NMFS proposed to establish a non-blacknose SCS TAC of 954.7 mt dw and a commercial quota of 68.3 mt dw (150,476 lb dw (*i.e.,* the current adjusted quota)). Based on public comments and additional analyses revealing the interaction ratio between non-blacknose SCS and blacknose sharks in the GOM, in the final rule, NMFS is implementing a non-blacknose SCS TAC of 999.0 mt dw (2,202,395 lb dw), increasing the commercial quota to 112.6 mt dw (248,215 lb dw), and prohibiting the retention of blacknose sharks in the entire GOM region. These non-blacknose SCS TAC and commercial quota levels would account for all blacknose shark mortality, including blacknose shark discards that were previously landed. This change is consistent with NMFS' efforts to reduce regulatory discards, as the level of discards would not exceed the 2015 base annual blacknose shark quota of 2.0 mt dw, and fishermen have demonstrated an ability to largely avoid blacknose sharks with the use of gillnet gear since Amendment 3. It also simultaneously allows fishermen to maximize revenue from the non-blacknose SCS landings, without concerns of early closure due to the linkage of the non-blacknose SCS and blacknose shark management groups.

4. Blacktip shark fishery closure (§ 635.28(b)(5)). NMFS is making a minor, non-substantive change to language in the regulations regarding the fishery closure procedure for blacktip sharks in the GOM. This change is merely a language clarification, and it does not change the substance of the paragraph or agency practice. In 2008, NMFS finalized regulations as part of Amendment 2 to the 2006 Consolidated HMS FMP (73 FR 40658; July 15, 2008) that requires NMFS to close shark management groups or regional areas once the landings of that shark management group or regional area have reached or are projected to reach 80 percent of the available quota. NMFS currently uses this regulation to close shark species groups and regional areas and is not changing that regulation in this final rule; all shark management groups will continue to close when landings reach, or are projected to reach, 80 percent of the relevant quota. In the final rule for Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013), NMFS established a separate Gulf of Mexico blacktip shark management group, established that NMFS could close the Gulf of Mexico blacktip shark management group if Gulf of Mexico blacktip shark landings are less than 80 percent of the relevant quota, and implemented criteria for NMFS to consider before closing the Gulf of Mexico blacktip shark management group at less than 80 percent of the relevant quota. As described in that final rule and Amendment 5a (78 FR 40318; July 3, 2013), NMFS' intent was to ''maintain flexibility to close the Gulf of Mexico blacktip shark management group depending on several criteria to ensure that the bycatch of hammerhead sharks and aggregated LCS would not result in mortality that would exceed the TAC of either management group.'' As explained in that 2013 final rule, NMFS' intent was that NMFS could close the Gulf of Mexico blacktip management group, based on consideration of the criteria listed in paragraph § 635.28(b)(5), after, or at the same time as, the hammerhead and aggregated LCS management groups close, to ensure that bycatch of hammerhead sharks and aggregated LCS does not result in mortality that would exceed the TAC of either management group. Since publication of that 2013 final rule, NMFS has found that the language was confusing regarding what actions require consideration of the criteria in § 635.28(b)(5). As a result, in this final rule, NMFS has revised § 635.28 (b)(5) to clarify that, consistent with the language and intent of the final rule implementing Amendment 5a, NMFS would consider those criteria only when NMFS is considering closing the unlinked blacktip shark management group in the Gulf of Mexico before landings reach, or are expected to reach, 80 percent of the quota.

5. Atlantic Tuna Longline category (§ 635.4(1)(2)(iv) and (v)). NMFS is making a minor, non-substantive change to language in the regulations clarifying that the name of the ''tuna limited access permit'' previously referenced in two places in the regulations is the ''Atlantic Tuna Longline category limited access permit.'' Paragraphs (1)(2)(iv) and (v) of § 635.4 have been revised to clarify the language referring to the limited access permit by its name. This is the only tuna limited access permit that NMFS currently has, and therefore, it is more appropriate to reference the permit by name. This change also makes these references consistent with the language throughout 50 CFR part 635, which refers to the ''Atlantic Tuna Longline category limited access permit.'' This change is merely a language clarification, and it does not change the substance of the paragraph or agency practice.

Commercial Fishing Season Notification

Pursuant to the measures being implemented in this final rule, the commercial LCS retention limit will be 45 LCS other than sandbar sharks per trip, unless further modified by NMFS. The current 2015 adjusted base quotas, preliminary 2015 landings, annual base quotas under Amendment 6, and information on whether the fisheries for those quotas will remain open or will re-open as a result of this final rule are located in Tables 1 and 2.

TABLE 1—2015 LARGE AND SMALL COASTAL SHARK QUOTAS AND LANDINGS BEFORE AMENDMENT 6. NOTE: 1 METRIC TON = 2,204.6 LB.

Region	Management group	2015 Base quota (A)	2015 Adjusted annual quota [1] (B)	Preliminary 2015 landings [2] (C)	Remaining 2015 quota (B − C = D)
No regional quota	Sandbar shark research fishery	116.6 mt dw (257,056 lb dw)	116.6 mt dw (257,056 lb dw)	60.6 mt dw (133,496 lb dw)	56.0 mt dw (123,560 lb dw).
Atlantic	Aggregated Large Coastal Sharks.	168.9 mt dw (372,552 lb dw)	168.9 mt dw (372,552 lb dw)	12.3 mt dw (27,100 lb dw)	156.6 mt dw (345,452 lb dw).
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)	27.1 mt dw (59,736 lb dw)	0.7 mt dw (1,476 lb dw)	26.4 mt dw (58,260 lb dw).
	Non-Blacknose Small Coastal Sharks.	176.1 mt dw (388,222 lb dw)	176.1 mt dw (388,222 lb dw)	98.6 mt dw (217,360 lb dw)	77.5 mt dw (170,862 lb dw).
	Blacknose Sharks	18.0 mt dw (39,749 lb dw)	17.5 mt dw (38,638 lb dw)	20.4 mt dw (44,966 lb dw)	−2.9 mt dw (−6,328 lb dw).
Gulf of Mexico	Blacktip Sharks	256.6 mt dw (565,700 lb dw)	328.6 mt dw (724,302 lb dw)	291.1 mt dw (641,771 lb dw)	37.5 mt dw (82,531 lb dw).
	Aggregated Large Coastal Sharks.	157.5 mt dw (347,317 lb dw)	156.5 mt dw (344,980 lb dw)	150.4 mt dw (331,479 lb dw)	6.1 mt dw (13,501 lb dw).
	Hammerhead Sharks	25.3 mt dw (55,722 lb dw)	25.3 mt dw (55,722 lb dw)	13.8 mt dw (30,326 lb dw)	11.5 mt dw (25,396 lb dw).
	Non-Blacknose Small Coastal Sharks.	45.5mt dw (100,317 lb dw)	45.5mt dw (100,317 lb dw)	46.2 mt dw (101,948 lb dw)	−0.7 mt dw (−1,631 lb dw).
	Blacknose Sharks	2.0 mt dw (4,513 lb dw)	1.8 mt dw (4,076 lb dw)	1.0 mt dw (2,096 lb dw)	0.8 mt dw (1,980 lb dw)

[1] On December 2, 2014, NMFS published a final rule (79 FR 71331) to implement the 2015 shark fishing season quotas.
[2] Landings are from January 1, 2015, through July 17, 2015.

TABLE 2—LARGE AND SMALL COASTAL SHARK QUOTAS AND FISHERY RE-OPENINGS AS A RESULT OF THIS FINAL ACTION. NOTE: THIS ACTION INCREASES BASE QUOTAS FOR NON-BLACKNOSE SCS MANAGEMENT GROUPS AND DECREASES THE BASE QUOTAS FOR THE SANDBAR SHARK RESEARCH FISHERY AND THE BLACKNOSE SHARK MANAGEMENT GROUPS. FOR ALL OTHER MANAGEMENT GROUPS, THE BASE QUOTAS UNDER THIS ACTION ARE THE SAME AS THE PREVIOUS BASE QUOTAS. THIS TABLE REFERS BACK TO THE 2015 BASE QUOTA (COLUMN A), PRELIMINARY 2015 LANDINGS (COLUMN C), AND REMAINING 2015 QUOTA (COLUMN D) IN TABLE 1. 1 METRIC TON = 2,204.6 LB.

Region	Management group	Sub-Region	Annual base quotas under Amendment 6 (E)	Remaining quota (If base quota remained the same, this is equal to column D in Table 1. If base quota changed, then E − C from Table 1 = F)	Percent of Amendment 6 quota landed to date ((E − F)/E × 100)	Will fishery remain open or re-open with implementation of Amendment 6?
No regional quota	Sandbar shark research fishery.	N/A	90.7 mt dw (199,943 lb dw).	30.1 mt dw (66,447 lb dw)	67%	Yes.
Atlantic	Aggregated Large Coastal Sharks.	N/A	Same as Column A. 168.9 mt dw (372,552 lb dw).	Same as Column D. 156.6 mt dw (345,452 lb dw)	7	Yes.
	Hammerhead Sharks		Same as Column A. 27.1 mt dw (59,736 lb dw)	Same as Column D. 26.4 mt dw (58,260 lb dw)	2	Yes.
	Non-Blacknose Small Coastal Sharks.		264.1 mt dw (582,333 lb dw).	165.5 mt dw (364,973 lb dw)	37	Yes, North of 34° N. latitude only.
	Blacknose Sharks		17.2 mt dw (37,921 lb dw)	−3.2 mt dw (−7,045 lb dw)	119	No.
Gulf of Mexico	Blacktip Sharks	Eastern	9.8% of Column A. 25.1 mt dw (55,439 lb dw)	9.8% of Column D. 3.7 mt dw (8,088 lb dw)	85	No.

TABLE 2—LARGE AND SMALL COASTAL SHARK QUOTAS AND FISHERY RE-OPENINGS AS A RESULT OF THIS FINAL ACTION. NOTE: THIS ACTION INCREASES BASE QUOTAS FOR NON-BLACKNOSE SCS MANAGEMENT GROUPS AND DECREASES THE BASE QUOTAS FOR THE SANDBAR SHARK RESEARCH FISHERY AND THE BLACKNOSE SHARK MANAGEMENT GROUPS. FOR ALL OTHER MANAGEMENT GROUPS, THE BASE QUOTAS UNDER THIS ACTION ARE THE SAME AS THE PREVIOUS BASE QUOTAS. THIS TABLE REFERS BACK TO THE 2015 BASE QUOTA (COLUMN A), PRELIMINARY 2015 LANDINGS (COLUMN C), AND REMAINING 2015 QUOTA (COLUMN D) IN TABLE 1. 1 METRIC TON = 2,204.6 LB.—Continued

Region	Management group	Sub-Region	Annual base quotas under Amendment 6 (E)	Remaining quota (If base quota remained the same, this is equal to column D in Table 1. If base quota changed, then E − C from Table 1 = F)	Percent of Amendment 6 quota landed to date ((E − F)/E × 100)	Will fishery remain open or re-open with implementation of Amendment 6?
	.....	Western	90.2% of Column A. 231.5 mt dw ... (510,261 lb dw).	90.2% of Column D. 33.8 mt dw ..... (74,443 lb dw) ..	85	No.
	Aggregated Large Coastal Sharks.	Eastern	54.3% of Column A. 85.5 mt dw ..... (188,593 lb dw).	54.3% of Column D. 3.3 mt dw ..... (7,331 lb dw)	96	No.
	.....	Western	45.7% of Column A. 72.0 mt dw ..... (158,724 lb dw).	45.7% of Column D. 2.8 mt dw ..... (6,170 lb dw)	96	No.
	Hammerhead Sharks	Eastern	52.8% of Column A. 13.4 mt dw ..... (29,421 lb dw)	52.8% of Column D. 6.1 mt dw ..... (13,409 lb dw) ..	54	No.
	.....	Western	47.2% of Column A. 11.9 mt dw ..... (26,301 lb dw)	47.2% of Column D. 5.4 mt dw ..... (11,987 lb dw) ..	54	No.
	Non-Blacknose Small Coastal Sharks.	N/A	112.6 mt dw ... (248,215 lb dw).	66.4 mt dw ..... (146,267 lb dw)	41	Yes.
	Blacknose Sharks	N/A	0.0 mt dw ..... (0 lb dw)	0.0 mt dw ..... (0 lb dw)	—	No.

As described in the 2015 shark fishing season rule (79 FR 71331, December 2, 2014) that established the opening dates and adjusted the 2015 quotas based on over- and underharvests from previous years, the commercial quotas for the GOM aggregated LCS, GOM blacknose shark, and Atlantic blacknose shark management groups were exceeded in 2014 and previous fishing seasons. As such, if NMFS were to re-open these fisheries, the new base annual quotas established in this final rule would have to be adjusted for overharvests. However, on May 3, 2015 (80 FR 24836, May 1, 2015), the GOM blacktip, GOM aggregated LCS, and GOM hammerhead shark management groups were closed since the harvest of the blacktip and aggregated LCS management groups exceeded 80 percent of available commercial quotas. The 2015 landings of these GOM LCS management groups also exceed the new sub-regional LCS quotas in this final rule. Because the LCS quotas are not increasing, NMFS is not re-opening the GOM LCS management group quota upon publication of the final rule.

Regarding blacknose sharks, since this final rule prohibits the retention of blacknose sharks in the GOM region, NMFS does not need to adjust the commercial blacknose shark quota based on previous overharvests, as the new blacknose shark quota would be 0 mt dw. As for GOM non-blacknose SCS, this final rule will re-open the GOM non-blacknose SCS fishery with a quota of 112.6 mt dw. Landings of non-blacknose SCS in the GOM are currently at 41% of this new quota.

Additionally, in this final rule, NMFS adjusts the Atlantic blacknose shark management group based on overharvest from previous years. On June 7, 2015, the Atlantic blacknose shark and non-blacknose SCS management groups were closed since the harvest of the blacknose shark management group exceeded 80 percent of the available quota. Since the increased Atlantic non-blacknose SCS quota under this final rule has not been exceeded, NMFS will re-open the Atlantic non-blacknose SCS fishery, for fishermen in the area north of the management boundary at 34°00′ N. lat. only, based on the new management measures in this final rule. The fishery would have a quota of 264.1 mt dw, and current landings of non-blacknose SCS in the Atlantic are currently at 37% of this new quota.

Classification

The NMFS Assistant Administrator for Fisheries (''AA'') has determined that this final rule is consistent with the

2006 Consolidated Atlantic HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law.

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

The AA finds that there is good cause under 5 U.S.C. 553(b)(B) to waive notice and comment for the revised Gulf of Mexico blacktip shark fishery closure language in § 635.28(b)(5) and the ''Atlantic Tuna Longline category limited access permit'' language in § 635.4(1)(2)(iv) and (v). NMFS did not propose these specific changes in the proposed rule for Amendment 6. However, notice and comment on these language changes is unnecessary, because the changes are only minor, non-substantive changes, they do not change agency practice, and they will have no impact on the public. The revision regarding the Gulf of Mexico blacktip shark fishery closure language does not change the timing or procedures for closure of the Gulf of Mexico blacktip shark management group, it merely clarifies, consistent with the language and intent of the final rule implementing Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013), that NMFS would consider the criteria in § 635.28(b)(5) only when NMFS closes the unlinked blacktip shark management group in the Gulf of Mexico before landings reach, or are expected to reach, 80 percent of the quota. The revision regarding the Atlantic Tuna Longline category limited access permit language is a technical change. It does not change the name of the permit or change what permit is being referenced, it merely clarifies the language by referring to the permit by its name. These changes do not change the meaning of the paragraphs or NMFS practice. Because these are minor, non-substantive language changes, there would be no public interest in them, and therefore, notice and comment are unnecessary.

The AA finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date for the language changes regarding the Gulf of Mexico blacktip shark fishery closure process and the ''Atlantic Tuna Longline category limited access permit'' references. Delaying the effectiveness of the revised language is unnecessary, because these changes are minor, non-substantive, technical changes, they do not change agency practice, and they will have no impact on the public. These revisions simply clarify the language describing the existing process for how NMFS may close the unlinked blacktip shark management group in the Gulf of Mexico and clarify the tuna permit references by referring to the limited access permit by its name.

The AA finds that certain measures in this final rule are exempt from the 30-day delay in effective date because they relieve a restriction, 5 U.S.C. 553(d)(1). First, in the Atlantic region, the non-blacknose SCS fishery is currently closed. However, upon implementation of this final rule, the non-blacknose SCS fishery could reopen for fishermen in the area north of the management boundary at 34°00′ N. lat. As explained above, establishing a management boundary in the Atlantic region along 34°00′ N. lat. for the SCS fishery and removing the quota linkage between blacknose and non-blacknose SCS north of 34°00′ N. lat. (due to the prohibition of blacknose sharks) would relive a restriction on fishermen north of 34°00′ N. lat. due to a species (blacknose sharks) that is not prevalent in that area. There is good cause to waive the delay in effectiveness of the management boundary and quota linkage, because this would allow positive economic and ecological impacts as fishermen would be able to land non-blacknose SCS north of 34°00′ N. lat. instead of discarding them. Second, in the Gulf of Mexico, this final rule increases the non-blacknose SCS quota, increases opportunities to harvest that quota, and reopens the fishery. As described above, prohibiting the retention of blacknose sharks in the GOM would relive the quota linkage restriction with the non-blacknose SCS. There is good cause to waive the delay in effectiveness of the blacknose shark prohibition in the GOM, because this would allow positive economic impacts as fishermen and provide for optimum yield from the fishery. Finally, this final rule removes upgrading restrictions on vessels.

In addition, for other measures in this final rule, the AA finds that there is good cause under 5 U.S.C. 553(d)(3) to waive the delay in effective date. The 30-day delay provides a reasonable opportunity for the regulated community to come into compliance with, or take other action with respect to, a final rule. As described further here, NMFS believes that there is no need to delay the effective date of the remaining measures in this rule, as they do not require specific action from the public and the public does not need time to come into compliance with the measures. Further, implementing this final rule quickly is in the public interest: Measures in this rule increase management flexibility and economic benefits and provide for optimum yield from the fishery, consistent with Magnuson-Stevens Act conservation and management requirements.

As reflected in Table 2, several fisheries (*i.e.*, Atlantic blacknose sharks, eastern and western Gulf of Mexico blacktip sharks, eastern and western Gulf of Mexico aggregated LCS, and eastern and western Gulf of Mexico hammerhead sharks) are currently closed, and this rule will not result in them being reopened. As a result, there is no further action that the public needs to take. Under the current regulations, fishermen targeting LCS in the Atlantic region are subject to the 36 LCS other than sandbar shark commercial retention limit. This rule will increase that limit to a maximum of 55 LCS other than sandbar sharks with a default limit of 45 LCS per trip. There is good cause to waive the 30-day delay for the increased retention limit, because this change would allow for immediate positive economic and ecological impacts, as fishermen would be able to have more profitable trips and discard fewer sharks with the higher commercial retention limit, and no further action is required from the public to attain these positive impacts. Related to that, this final rule reduces the sandbar research fishery quota. There is good cause to waive the delay in effectiveness of the revised sandbar shark quota, because that lower quota is needed in order to account for additional dead discards of sandbar sharks that will occur under the increased commercial retention limit, and thus to ensure that sandbar sharks continue on the current rebuilding plan for the stock. Regarding the apportioning of the GOM regional commercial quotas for aggregated LCS, blacktip, and hammerhead sharks into western and eastern sub-regional quotas along 88°00′ W. long., NMFS believes that there is no need to delay the effective date of this measures in this rule, as these measures do not require specific action from the public and the public does not need time to come into compliance with the measures. In addition, all of these management measures are so closely tied together and directly impact shark fishermen that it is in the public's best interest to have the management measures all go into effect at the same time.

A final regulatory flexibility analysis (FRFA) was prepared for this rule. The FRFA incorporates the Initial Regulatory Flexibility Analysis (IRFA), and a summary of the analyses completed to support the action. The full FRFA and analysis of economic and ecological impacts are available from NMFS (see **ADDRESSES**). A summary of the FRFA follows.

Section 604(a)(1) of the Regulatory Flexibility Act (RFA) requires a succinct statement of the need for and objectives of the rule. Chapter 1 of the Final EA and the final rule fully describes the need for and objectives of this final rule. The purpose of this final rulemaking, consistent with the Magnuson-Stevens Act, and the 2006 Consolidated HMS FMP and its amendments, is to enact management measures that increase management flexibility to adapt to the changing needs of the Atlantic shark fisheries, prevent overfishing while achieving on a continuing basis optimum yield, and rebuilding overfished shark stocks. Management measures in Amendment 6 are designed to respond to the problems facing Atlantic commercial shark fisheries, such as commercial landings that exceed the quotas, declining numbers of fishing permits since limited access was implemented, complex regulations, derby fishing conditions due to small quotas and short seasons, increasing numbers of regulatory discards, and declining market prices.

Section 604(a)(2) of the RFA requires a summary of the significant issues raised by the public comments in response to the IRFA, a summary of the assessment of the Agency of such issues, and a statement of any changes made in the rule as a result of such comments. NMFS received many comments on the proposed rule and the Draft EA during the public comment period. A summary of these comments and the Agency's responses, including changes as a result of public comment, are included above. NMFS did not receive comments specifically on the IRFA, though NMFS did receive comments on the potential economic impacts of this rule generally, and those comments and NMFS' responses are discussed under comments 2, 3, 5, 6, 7, 8, 10, 13, 15, 16, 21, and 22 above.

Section 604(a)(3) of the RFA requires the Agency to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA) in response to the proposed rule, and a detailed statement of any change made in the rule as a result of such comments. NMFS did not receive any comments from the Chief Counsel for Advocacy of the SBA in response to the proposed rule.

Section 604(a)(4) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. The SBA size standards are $20.5 million for finfish fishing, $5.5 million for shellfish fishing, and $7.5 million for other marine fishing, for-hire businesses, and marinas (79 FR 33467; June 12, 2014). NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $20.5 million for finfish-harvesting. The commercial shark fisheries are comprised of fishermen who hold shark directed or incidental limited access permits and the related shark dealers, all of which NMFS considers to be small entities according to the size standards set by the SBA. The final rule would apply to the approximately 208 directed commercial shark permit holders, 255 incidental commercial shark permit holders, and 100 commercial shark dealers as of July 2015.

The final rule would apply to the 464 commercial shark permit holders in the Atlantic shark fishery, based on an analysis of permit holders as of October 2014. Of these permit holders, 206 have directed shark permits and 258 hold incidental shark permits. Not all permit holders are active in the fishery in any given year. Active directed permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Based on 2014 HMS electronic dealer data, 24 shark directed permit holders were active in the Atlantic and 20 shark directed permit holders were active in the Gulf of Mexico. NMFS has determined that the final rule would not likely affect any small governmental jurisdictions.

Section 604(a)(5) of the RFA requires Agencies to describe any new reporting, record-keeping and other compliance requirements. The action does not contain any new collection of information, reporting, record-keeping, or other compliance requirements.

The RFA requires a description of the steps the Agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and the reason that each one of the other significant alternatives to the rule considered by the Agency that affect small entities was rejected. These impacts are discussed below and in the Final EA/RIR/FRFA for Amendment 6. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of ''significant'' alternatives that could assist an agency in the development of significant alternatives. These categories of alternatives are: Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; use of performance rather than design standards; and, exemptions from coverage of the rule for small entities.

In order to meet the objectives of this rule, consistent with the Magnuson-Stevens Act and other applicable law, such as the Endangered Species Act, we cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act. Thus, there are no alternatives considered under the third category. As described below, NMFS analyzed several different alternatives in this rulemaking and provided a rationale for identifying the preferred alternative to achieve the desired objective.

The alternatives considered and analyzed are described below. The FRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

Permit Stacking

Under Alternative A1, the preferred alternative, NMFS would not implement permit stacking for the shark directed limited access permit holders. NMFS would continue to allow only one directed limited access permit per vessel and thus one retention limit. The current retention limit of 36 LCS per trip would result in potential trip revenues of $1,184 (1,224 lb of meat, 61 lb of fins) per vessel, assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. It is likely that this alternative could possibly have minor adverse economic impacts in the long term, because if fishermen are unable to retain an increased number of LCS per trip by stacking permits, the profitability of each trip could decline over time, due to declining prices for shark products and increasing prices for gas, bait, and other associated costs. The No Action alternative could also have neutral indirect impacts to those supporting the commercial shark fisheries, since the retention limits, and thus current fishing efforts, would not change under this alternative.

Under Alternative A2, NMFS would allow fishermen to concurrently use a maximum of two shark directed permits on one vessel, which would result in aggregated, and thus higher, trip limits. Under the current LCS retention limit of 36 LCS, this would allow a vessel with two stacked permits to have a LCS retention limit of 72 LCS per trip. This new retention limit would result in potential trip revenues of $2,368 (2,448 lb of meat, 122 lb of fins) per vessel, assuming an ex-vessel price of $0.58 for meat and $7.68 for fins, which is an increase of $1,184 per trip compared to the status quo alternative. For fishermen that currently have two directed limited access permits, this alternative would have short-term minor beneficial economic impacts because these fishermen would be able to stack their permits and avail themselves of the retention limit of 72 LCS per trip. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips and in turn save money on gas, bait, and other associated costs. However, the current number of directed permits in the Atlantic region is 136, and 130 of those permits have different owners. In the Gulf of Mexico, of the 83 directed shark permits, 73 have different owners. Therefore, it is unlikely that many of the current directed shark permit holders would be able to benefit from this alternative in the short-term. In addition, the cost of one directed shark permit can run anywhere between $2,000 and $5,000, which could be difficult for many shark fishermen to afford. For fishermen that do not currently have more than one directed shark permit, this alternative could have long-term minor beneficial impacts if these fishermen are able to acquire an additional permit and offset the cost of the additional permit by taking advantage of the potential economic benefits of the higher retention limits. Nevertheless, this alternative is unlikely to have beneficial economic impacts for the shark fishery as whole because only shark fishermen that could afford to buy multiple shark permits would benefit from the higher retention limit and higher revenues whereas those shark fishermen that cannot afford to buy a second directed shark permit would be at a disadvantage, unable to economically benefit from the higher retention limits. Given the current make-up of the shark fishery, which primarily consists of small business fishermen with only one permit, and the cost of the additional permit, this could potentially lead to negative economic impacts among the directed shark permit holders if those fishermen that currently have multiple directed permits or that could afford to buy an additional directed permit gain an economic advantage.

Under Alternative A3, NMFS would allow fishermen to concurrently use a maximum of three shark directed permits on one vessel, which would result in aggregated, and thus higher, trip limits. Under the current LCS retention limit of 36 LCS, this would mean that a vessel with three stacked permits would have a LCS retention limit of 108 LCS per trip. This alternative would allow shark directed permit holders to retain three times as many LCS per trip then the current retention limit. This new retention limit would result in potential trip revenues of $3,552 (3,672 lb of meat, 184 lb of fins) per vessel, assuming an ex-vessel price of $0.58 for meat and $7.68 for fins, which is an increase of $2,368 per trip compared to the status quo alternative. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips and in turn save money on gas, bait, and other associated costs. Similar to Alternative A2, this alternative would have short-term minor beneficial economic impacts for fishermen that currently have three shark directed limited access permits, because these fishermen would be able to stack their permits and avail themselves of the retention limit of 108 LCS per trip. As mentioned above, the current number of shark directed permit holders is 219, with 93 percent having different owners. Therefore, it is unlikely that many of the current directed shark permit holders currently hold three directed shark permits and would be able to benefit from this alternative in the short-term. For fishermen who do not currently have more than one directed shark permit, this alternative could have larger long-term beneficial economic impacts than Alternative 2, if these fishermen are able to acquire two additional permits and offset the cost of the additional permits by taking advantage of the potential economic benefits of retaining up to 108 LCS per trip. However, for the same reasons discussed for Alternative A2, this alternative is unlikely to have economic benefits for those shark fishermen that cannot afford to buy two additional directed permits, and thus would be unable to economically benefit from a higher retention limit. Thus, given the current make-up of the shark fishery, Alternative A3 could potentially lead to more inequity and unfairness among the directed shark permit holders than Alternative A2, especially if those fishermen that currently have multiple directed permits or that could afford to buy additional directed permits gain an economic advantage under this alternative.

Commercial Retention Limits

Alternative B1 would not change the current commercial LCS retention limit for directed shark permit holders. The retention limit would remain at 36 LCS other than sandbar sharks per trip for directed permit holders. This retention limit would result in potential trip revenues of $1,184 (1,224 lb of meat, 61 lb of fins), assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. It is likely that this alternative would have short-term neutral economic impacts, since the retention limits would not change under this alternative. However, not adjusting the retention limit would have long-term minor adverse economic impacts, due to the expected continuing decline in prices for shark products and increase in gas, bait, and other associated costs, which would lead to declining profitability of individual trips. In recent years, there have been changes in federal and state regulations, including the implementation of Amendment 5a and state bans on the possession, sale, and trade of shark fins, which have impacted shark fishermen. In addition to federal and state regulations, there have also been many international efforts to prohibit shark finning at sea, as well as campaigns targeted at the shark fin soup markets. All of these efforts have impacted the market and demand for shark fins. In addition, NMFS has seen a steady decline in ex-vessel prices for shark fins in all regions since 2010.

Alternative B2, the preferred alternative, would increase the LCS retention limit to a maximum of 55 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 90.7 mt dw (199,943 lb dw). NMFS would also set the default LCS retention limit to 45 LCS other than sandbar sharks per trip for shark directed permit holders but could adjust the retention limits to account for spatial, temporal, and other differences in the shark fisheries. This alternative would allow shark directed permit holders to retain 19 more LCS per trip than the current retention limit if the retention limit were increased to 55 LCS other than sandbar sharks per trip during the fishing season. Under a retention limit of 55 LCS other than sandbar sharks per trip, the potential trip revenues would be $1,809 (1,870 lb

of meat, 94 lb of fins), assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. Under the 45 LCS other than sandbar sharks per trip, the potential trip revenues would be lower at $1,488 (1,530 lb of meat, 77 lb of fins), assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. This alternative would have short- and long-term direct minor beneficial socioeconomic impacts under both commercial retention limits, since shark directed permit holders could land more sharks per trip when compared to the current retention limit of 36 LCS per trip. The higher retention limit is likely to make each trip more profitable for fishermen, as well as more efficient, if they decide to take fewer trips, and in turn save money on fuel, bait, and other associated costs. Regarding the shark research fishery, this alternative could cause an average annual loss of $68,307, since the sandbar research fishery quota would be reduced by 57,113 lb dw. If NMFS continues to select the same number of vessels as in 2015, this alternative would impact 7 shark research vessel participants. Based on this number, the total average annual gross revenue loss for each shark research fishery vessel would be $9,758 per vessel. This potential lost income for the research fishery could be positive for commercial fishermen, since the increased retention limit could make trips more profitable. NMFS estimates that this reduction in the sandbar research fishery quota would have neutral socioeconomic impacts, based on current limited resources available to fund observed trips in the fishery and the current harvest level of the sandbar research fishery quota. In 2014, the vessels participating in the Atlantic shark research fishery landed 54.2 mt dw (119,527 lb dw), or 46 percent, of the available sandbar shark quota. Under the new sandbar shark quota with the Atlantic shark research fishery, the 2014 landings would result in 60 percent of the new sandbar shark quota being landed. If available resources increase in the future for more observed trips in the fishery, then this alternative could have minor adverse economic impacts if the full quota is caught and the fishery has to close earlier in the year.

Alternative B3 would increase the LCS retention limit to a maximum of 72 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 82.7 mt dw (182,290 lb dw). This alternative would double the current retention limit. This new retention limit would result in potential trip revenues of $2,368 (2,448 lb of meat, 124 lb of fins), assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. This alternative would have short- and long-term minor beneficial economic impacts, since shark directed permit holders could land twice as many LCS per trip. Shark directed trips would become more profitable, but more permit holders could become active in order to avail themselves of this higher trip limit, and potentially causing a derby fishery and bringing the price of shark products even lower. Thus, NMFS needs to balance providing the flexibility of increasing the efficiency of trips and the associated economic benefits with the negative economic impacts of derby fishing and lower profits. This alternative could have neutral impacts for fishermen participating in the Atlantic shark research fishery, since the 2014 landings (54.2 mt dw; 119,527 lb dw) would result in 66 percent of the new sandbar shark quota being landed. Under Alternative B3, the new sandbar shark quota could result in average annual lost revenue of $89,420 for those fishermen participating in the shark research fishery, but the income could be recouped by the increased retention limit outside the shark research fishery. If NMFS continues to select the same number of vessels as in 2015, this alternative would impact 7 shark research vessel participants. Based on this number, the total average annual gross revenue loss for each shark research fishery vessel would be $12,774 per vessel. If available resources increase in the future for more observed trips in the fishery, then this alternative still would have neutral economic impacts, since the observed trips would be distributed throughout the year, to ensure the research fishery remains open and obtains biological and catch data all year round.

Alternative B4 would increase the LCS retention limit to a maximum of 108 LCS other than sandbar sharks per trip for shark directed permit holders and reduce the sandbar shark research fishery quota to 65.7 mt dw (144,906 lb dw). This alternative would allow shark directed permit holders to retain three times as many LCS per trip as the current retention limit. This new retention limit would result in potential trip revenues of $3,552 (3,672 lb of meat, 184 lb of fins), assuming an ex-vessel price of $0.58 for meat and $7.68 for fins. This alternative could have short- and long-term moderate beneficial economic impacts, since shark directed permit holders could land three times the current LCS retention limit. This increased retention limit could result in 3,672 lb dw of LCS per trip, which could bring the fishery almost back to historical levels of 4,000 lb dw LCS per trip. While a retention limit of 108 LCS per trip would make each trip more profitable and potentially require fishermen to take fewer trips per year, this large increase in the retention limit would likely result in more permit holders becoming active in the LCS fishery. Thus, the shark fishery could return to a derby fishery, with quotas being caught at a faster rate and the fishing season shortened. Additionally, in order to increase the retention limit to 108 LCS per trip, the sandbar shark research quota would need to be reduced to an amount comparable to the 2014 landing in the shark research fishery, which could have minor adverse impacts on fishermen in the shark research fishery, who would lose revenue associated with this loss of quota.

Atlantic Regional and Sub-Regional Quotas

Alternative C1, the No Action alternative, would not change the current management of the Atlantic shark fisheries. This alternative would likely result in short-term direct neutral economic impacts, as the shark fisheries would continue to operate under current conditions, with shark fishermen continuing to fish at current rates. Based on the 2014 ex-vessel prices, the annual gross revenues for the entire fleet from aggregated LCS and hammerhead shark meat in the Atlantic region would be $313,464, while the shark fins would be $85,009. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the Atlantic region would be $398,473 ($313,464 + $85,009), which is 9 percent of the entire revenue for the shark fishery. Based on eDealer landings, there are approximately 35 active directed shark permit holders that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holders in the Atlantic region would be $11,385 per vessel. For the non-blacknose SCS and blacknose shark landings, the annual gross revenues for the entire fleet from the meat would be $318,289, while the shark fins would be $85,594. The total average annual gross revenues for non-blacknose SCS and blacknose shark landings in the Atlantic region would be $403,883 ($318,289 + $85,594), which is 9 percent of the entire revenue for the shark fishery. Based on eDealer landings, there are approximately 26 active directed shark permit holders that landed SCS in 2014. Based on this

number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $15,534 per vessel. However, this alternative would likely result in long-term minor adverse economic impacts. Negative impacts would be partly due to the continued negative effects of federal and state regulations related to shark finning and sale of shark fins, which have resulted in declining ex-vessel prices of fins since 2010, as well as continued changes in shark fishery management measures. Additionally, under the current regulations, fishermen operating in the south of the Atlantic region drastically impact the availability of quota remaining for fishermen operating in the north of the Atlantic region. If fishermen in the south fish early in the year and NMFS does not adjust the LCS retention limit, they have the ability to land a large proportion of the quota before fishermen in the north have the opportunity to fish, due to time/area closures and seasonal migrations of LCS and SCS, potentially resulting in indirect long-term minor adverse economic impacts. However, NMFS would intend to use existing regulations to monitor the LCS quotas and adjust the retention limit as needed to ensure equitable fishing opportunities throughout the region. This approach could result in some minor beneficial impacts over the long-term. Indirect short-term economic impacts resulting from any of the actions in Alternative C1 would likely be neutral because the measures would maintain the status quo with respect to shark landings and fishing effort. However, this alternative would likely result in indirect long-term minor beneficial economic impacts. Beneficial economic impacts and increased revenues associated with ensuring equitable fishing opportunities through trip limit adjustments experienced by fishermen within Atlantic shark fisheries would carry over to the dealers and supporting businesses they regularly interact with.

Alternative C2 would apportion the Atlantic regional quotas for LCS and SCS along 33°00′ N. lat. (approximately at Myrtle Beach, South Carolina) into northern and southern sub-regional quotas and potentially adjust the non-blacknose SCS quota based on the results of the 2013 assessments for Atlantic sharpnose and bonnethead sharks. Establishing sub-regional quotas could allow for flexibility in seasonal openings within the Atlantic region. Different seasonal openings within sub-regions would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or when regional time/area closures are not in effect. This would benefit the economic interests of North Carolina and Florida fishermen, the primary constituents impacted by the timing of seasonal openings for LCS and SCS in the Atlantic, by placing them in separate sub-regions with separate sub-regional quotas.

Under this alternative, the northern Atlantic sub-region would receive 21.0 percent of the total aggregated LCS quota (35.4 mt dw; 78,236 lb dw) and 34.9 percent of the total hammerhead shark quota (9.5 mt dw; 20,848 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the northern Atlantic sub-region would be $70,560, while the shark fins would be $18,819. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the northern Atlantic sub-region would be $89,379 ($70,560 + $18,819). Based on eDealer landings, there are approximately 14 active directed shark permit holders in the northern Atlantic sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $6,384 per vessel. When compared to the other alternatives, the northern Atlantic sub-region would have minor beneficial economic impacts under Alternative C2, because this alternative would result in the highest total average annual gross revenues for aggregated LCS and hammerhead sharks. In the southern Atlantic sub-region, fishermen would receive 79.0 percent of the total aggregated LCS quota (133.5 mt dw; 294,316 lb dw) and 65.1 percent of the total hammerhead shark quota (17.6 mt dw; 38,888 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the southern Atlantic sub-region would be $242,903, while the shark fins would be $66,190. The total average annual gross revenues for aggregated LCS and hammerhead shark landings in the southern Atlantic sub-region would be $309,093 ($242,903 + $66,190). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $14,719 per vessel. When compared to the other alternatives, the southern Atlantic sub-region would have minor adverse economic impacts under Alternative C2, because this alternative would result in lower total average annual gross revenues for aggregated LCS and hammerhead sharks.

Under Alternative C2, NMFS would determine the blacknose shark quota for each sub-region using the percentage of landings associated with blacknose sharks within each sub-region and the new non-blacknose SCS quotas in conjunction with Alternatives C5, C6, and C7. The northern Atlantic sub-region would receive 33.5 percent of the total non-blacknose SCS quota, while the southern Atlantic sub-region would receive 66.5 percent of the total non-blacknose SCS quota in this alternative. For the blacknose sharks, the northern Atlantic sub-region would receive 6.2 percent of the total blacknose shark quota (1.1 mt dw; 2,464 lb dw), while the southern Atlantic sub-region would receive 93.8 percent of the total blacknose shark quota (16.9 mt dw; 37,285 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for blacknose shark meat in the northern Atlantic sub-region would be $1,953, while the shark fins would be $493. Thus, total average annual gross revenues for blacknose shark landings in the northern Atlantic sub-region would be $2,446 ($1,953 + $493). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $489 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for blacknose shark meat in the southern Atlantic sub-region would be $29,082, while the shark fins would be $7,457. The total average annual gross revenues for blacknose shark landings in the southern Atlantic sub-region would be $36,539 ($29,082 + $7,457). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $1,740 per vessel.

Alternative C3 would apportion the Atlantic regional quotas for LCS and SCS along 34°00′ N. lat. (approximately at Wilmington, North Carolina) into northern and southern sub-regional quotas and potentially adjust the non-blacknose SCS quota based on the results of the 2013 assessments for

Atlantic sharpnose and bonnethead sharks. This alternative would likely result in direct short-term minor beneficial impacts, and ultimately direct long-term moderate beneficial impacts. However, drawing the regional boundary between the northern and southern Atlantic sub-regions along 34°00′ N. lat. would result in more equitable sub-regional quotas, in comparison to the boundary considered in Alternative C2. Under this alternative, the northern Atlantic sub-region would receive 18.4 percent of the total aggregated LCS quota (31.0 mt dw; 68,550 lb dw) and 34.9 percent of the total hammerhead shark quota (9.5 mt dw; 20,848 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the northern Atlantic sub-region would be $63,296, while the shark fins would be $14,697. Thus, total average annual gross revenues for aggregated LCS and hammerhead shark landings in the northern Atlantic sub-region would be $77,993 ($63,296 + $14,697). Based on eDealer landings, there are approximately 14 active directed shark permit holders in the northern Atlantic sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $5,571 per vessel. When compared to Alternative C2, the northern Atlantic sub-region would have minor adverse economic impacts under this alternative. In the southern Atlantic sub-region, fishermen would receive 81.6 percent of the total aggregated LCS quota (137.9 mt dw; 304,002 lb dw) and 65.1 percent of the total hammerhead shark quota (17.6 mt dw; 38,888 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for aggregated LCS and hammerhead shark meat in the southern Atlantic sub-region would be $250,168, while the shark fins would be $68,219. The total average annual gross revenues for aggregated LCS and hammerhead shark landings in the southern Atlantic sub-region would be $318,387 ($250,168 + $68,219). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $15,161 per vessel.

As in Alternative C2, NMFS would determine the blacknose shark quota for each sub-region using the percentage of landings associated with blacknose sharks within each sub-region in Alternative C3 and the new non-blacknose SCS quotas in conjunction in Alternatives C5, C6, and C7. Under Alternative C3, the northern Atlantic sub-region would receive 32.9 percent of the total non-blacknose SCS quota, while the southern Atlantic sub-region would receive 67.1 percent of the total non-blacknose SCS quota. For the blacknose sharks, the northern Atlantic sub-region would receive 4.6 percent of the total blacknose shark quota (0.8 mt dw; 1,828 lb dw), while the southern Atlantic sub-region would receive 95.4 percent of the total blacknose shark quota (16.7 mt dw; 37,921 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for blacknose shark meat in the northern Atlantic sub-region would be $1,426, while the shark fins would be $366. Thus, total average annual gross revenues for blacknose shark landings in the northern Atlantic sub-region would be $1,792 ($1,426 + $366). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $358 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for blacknose shark meat in the southern Atlantic sub-region would be $29,578, while the shark fins would be $7,584. The total average annual gross revenues for blacknose shark landings in the southern Atlantic sub-region would be $37,162 ($29,578 + $7,584). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $1,770 per vessel. This alternative would have neutral economic impacts for the northern Atlantic sub-region fishermen when compared to Alternative C2, and would have beneficial economic impacts for the southern Atlantic sub-region fishermen when compared to Alternative C2.

Alternative C4 would apportion the Atlantic regional quotas for certain LCS and SCS management groups along 34°00′ N. lat. (approximately at Wilmington, North Carolina) into northern and southern sub-regional quotas, maintain SCS quota linkages in the southern sub-region of the Atlantic region, remove the SCS quota linkages in the northern sub-region of the Atlantic region, and prohibit the harvest and landings of blacknose sharks in the northern Atlantic sub-region. The economic impacts of apportioning the Atlantic regional quotas for LCS and SCS along 34°00′ N. lat. into northern and southern sub-regional quotas would have the same impacts as described in alternative C3 above. Removing quota linkages within the northern Atlantic sub-region would have beneficial impacts, as active fishermen in this region would be able to continue fishing for non-blacknose SCS without the fishing activities in the southern Atlantic sub-region, where the majority of blacknose sharks are landed, impacting the timing of the non-blacknose SCS fishery closure. Economic advantages associated with removing quota linkages, allowing the northern Atlantic sub-region to land a larger number of non-blacknose SCS, would outweigh the income lost from prohibiting landings of blacknose sharks ($1,426) for fishermen in the northern sub-region, particularly given the minimal landings of blacknose sharks attributed to the northern sub-region. In the southern Atlantic region, no economic impacts are expected by maintaining the quota linkages already in place for SCS. Thus, by removing quota linkages in the northern Atlantic region, in combination with apportioning the Atlantic regional quota at 34°00′ N. lat. to allow fishermen to maximize their fishing effort, and thereby maximize revenue, during periods when sharks migrate into local waters or when regional time/area closures are not in place, Alternative C4 would result in overall direct and indirect, short- and long-term moderate beneficial economic impacts.

Alternative C5 would establish a non-blacknose SCS TAC of 353.2 mt dw and reduce the non-blacknose SCS commercial quota to 128 mt dw (282,238 lb dw). When combined with the other alternatives to establish sub-regional non-blacknose SCS quotas, the economic impacts of Alternative C5 would vary based on the alternative. Under Alternative C2, the northern Atlantic sub-region would receive 33.5 percent of the total non-blacknose SCS quota (42.9 mt dw; 94,550 lb dw) and the southern Atlantic sub-region would receive 65.5 percent of the total non-blacknose SCS quota (85.1 mt dw; 187,668 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $69,967, while the shark fins would be

$18,910. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $88,877 ($69,967 + $18,910). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $17,775 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $138,889, while the shark fins would be $37,538. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $176,427 ($138,889 + $37,538). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $8,401 per vessel. Sub-regional quotas under Alternatives C2 are about a two percent increase in landings allocated to the northern region for non-blacknose SCS when compared to Alternative C3. This percentage would lead to a slight increase in some of the sub-regional quotas within the northern Atlantic sub-region, as compared to Alternative C3, and would result in short-term minor beneficial economic impacts, and ultimately long-term moderate beneficial economic impacts in the northern Atlantic sub-region.

Using the quotas considered under Alternative C5 and the sub-regional split under Alternatives C3 and C4, the northern Atlantic sub-region would receive 33.5 percent of the total non-blacknose SCS quota (42.1 mt dw; 92,856 lb dw), while the southern Atlantic sub-region would receive 67.1 percent of the total non-blacknose SCS quota (85.9 mt dw; 189,382 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $68,714, while the shark fins would be $18,571. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $87,285 ($68,714 + $18,571). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $17,457 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $140,142, while the shark fins would be $37,876. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $178,018 ($140,142 + $37,876). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $8,477 per vessel. Overall, the non-blacknose SCS commercial quota considered under this alternative is almost thirty percent less than the current base quota and less than half of the current adjusted quota for this management group. Therefore, NMFS believes this alternative would have short- and long-term minor adverse economic impacts due to the quota being capped at a lower level than what is currently being landed in the non-blacknose SCS fisheries, leading to a loss in annual revenue for these shark fishermen. In addition, the adverse impacts would be compounded by the unknown stock status of bonnethead, which would prevent NMFS from carrying forward underharvested quota. Thus, the commercial quota of 128 mt dw would not be adjusted and the fishermen would be limited to this amount each year, which could lead to shorter seasons and reduced flexibility, potentially affecting fishermen's decisions to participate.

Under Alternative C6, NMFS would establish a non-blacknose SCS TAC and maintain the current base annual quota of 176.1 mt dw (388,222 lb dw). When combined with the other alternatives to establish sub-regional non-blacknose SCS quotas, the economic impacts of Alternative C6 would vary based on the sub-regional quotas. Under Alternatives C2, the northern Atlantic sub-region would receive 33.5 percent of the total non-blacknose SCS quota (59.0 mt dw; 130,054 lb dw) and the southern Atlantic sub-region would receive 66.5 percent of the total non-blacknose SCS quota (117.1 mt dw; 258,168 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $96,240, while the shark fins would be $26,011. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $122,251 ($96,240 + $26,011). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $24,450 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $191,044, while the shark fins would be $51,634. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $242,678 ($191,044 + $51,634). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $11,556 per vessel. Sub-regional quotas under Alternative C2 would lead to some slightly higher sub-regional quotas within the northern Atlantic sub-region, as compared to Alternative C3, and would result in short-term minor beneficial impacts, and ultimately long-term moderate beneficial economic impacts in the northern Atlantic sub-region.

Using the quotas considered under Alternative C6 and the sub-regional split considered under Alternatives C3 and C4, the northern Atlantic sub-region would receive 32.9 percent of the total non-blacknose SCS quota (57.9 mt dw; 127,725 lb dw), while the southern Atlantic sub-region would receive 67.1 percent of the total non-blacknose SCS quota (118.2 mt dw; 260,497 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $94,517, while the shark fins would be $25,545. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $120,062 ($94,517 + $25,545). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $24,012 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $192,768, while the shark fins would be $52,099. The total

average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $244,867 ($192,768 + $52,099). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $11,660 per vessel. Overall, Alternative C6 would lead to a lower quota in the northern Atlantic sub-region, as compared to current landings under the higher base quota. Because this alternative would maintain the non-blacknose SCS commercial quota, it is likely to have short-term neutral economic impacts. Recent non-blacknose SCS landings have been below 176.1 mt dw, thus, this commercial quota could allow for increased landings and additional revenue if the entire quota is caught, which could have beneficial socioeconomic impacts. However, since the quota of 176.1 mt dw would not be adjusted for underharvests due to the unknown status of bonnethead sharks, the fishermen would be capped at a lower quota than is possible in the current non-blacknose SCS fisheries if there is underharvest, potentially leading to long-term minor adverse socioeconomic impacts. NMFS does not expect fishing effort to dramatically increase for non-blacknose SCS in the southern region of the Atlantic, since landings would continue to be limited by blacknose shark landings and the linkage between these two groups.

Under Alternative C7, a preferred alternative, NMFS would establish a non-blacknose SCS TAC of 489.3 mt dw and increase the quota to the current adjusted base annual quota of 264.1 mt dw (582,333 lb dw) which is equal to the 2014 adjusted non-blacknose SCS quota. Based on the 2014 ex-vessel prices, the annual gross revenues for the entire fleet from non-blacknose SCS meat in the Atlantic region would be $430,926 while the shark fins would be $116,467. Thus, total average annual gross revenues for non-blacknose shark landings in the Atlantic region would be $547,393 ($430,926 + $116,467), which is 12 percent of the entire revenue for the shark fishery. The economic impacts of Alternative C7 would vary when combined with Alternatives C2 through C4 to establish sub-regional non-blacknose SCS quotas as considered in the Draft EA, and a new preferred Alternative C8 that would maintain the status quo of a regional quota for the blacknose and non-blacknose SCS management groups and would establish a management boundary to modify the blacknose and non-blacknose SCS quota linkage. Under Alternative C2, the northern Atlantic sub-region would receive 33.5 percent of the total non-blacknose SCS quota (88.4 mt dw; 195,082 lb dw) and the southern Atlantic sub-region would receive 66.5 percent of the total non-blacknose SCS quota (175.7 mt dw; 387,251 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $144,360, while the shark fins would be $39,016. Thus, total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $183,376 ($144,360 + $39,016). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in Atlantic would be $36,675 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $286,566, while the shark fins would be $77,450. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $364,016 ($286,566 + $77,450). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $17,334 per vessel.

Under Alternative C7 and either Alternative C3 or C4, the northern Atlantic sub-region would receive 32.9 percent of the total non-blacknose SCS quota (86.9 mt dw; 191,588 lb dw), while the southern Atlantic sub-region would receive 67.1 percent of the total non-blacknose SCS quota (177.2 mt dw; 390,745 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the northern Atlantic sub-region would be $141,775, while the shark fins would be $38,318. The total average annual gross revenues for non-blacknose SCS landings in the northern Atlantic sub-region would be $180,093 ($141,775 + $38,318). Based on eDealer landings, there are approximately 5 active directed shark permit holders in the northern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $36,019 per vessel. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the southern Atlantic sub-region would be $289,152, while the shark fins would be $78,149. The total average annual gross revenues for non-blacknose SCS landings in the southern Atlantic sub-region would be $367,301 ($289,152 + $78,149). Based on eDealer landings, there are approximately 21 active directed shark permit holders in the southern Atlantic sub-region that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $17,491 per vessel.

Under Alternative C7 and a new preferred Alternative C8, the commercial quota for the SCS fishery would be 264.1 mt dw (582,333 lb dw) for the Atlantic region, which is equal to the 2014 adjusted non-blacknose SCS quota. Based on the 2014 ex-vessel prices, the annual gross revenues for the entire fleet from non-blacknose SCS meat in the Atlantic region would be $430,926, while the shark fins would be $116,467. Thus, total average annual gross revenues for non-blacknose shark landings in the Atlantic region would be $547,393 ($430,926 + $116,467), which is 13 percent of the entire revenue for the shark fishery. Based on eDealer landings, there are approximately 26 active directed shark permit holders that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in the Atlantic region would be $21,054 per vessel.

The quota considered under Alternative C7 is an increase compared to the non-blacknose SCS commercial quotas under Alternatives C5 or C6. Since underharvested quota would no longer be carried forward, this quota would provide a buffer, potentially providing for landings to increase in the future, and thus, providing some beneficial socioeconomic impacts in the long-term due to the potential to gain additional revenue. The increased landings could result in additional revenues of up to $302,526 in total average annual gross revenue for non-blacknose shark landings relative to Alternative C6, the preferred alternative in the Draft EA. However, recent landings of non-blacknose SCS have been less than half of the commercial quota under this alternative (in part because of increasing blacknose landings), so it is unlikely that

fishermen would catch this entire quota in the short-term (unless this alternative is combined with Alternative C8), such that this alternative would have neutral economic impacts. When combined with Alternative C8, the increased quota in Alternative C7 could have positive economic impacts for fishermen.

Alternative C8, one of the preferred alternatives, would maintain the current aggregated LCS (168.9 mt dw; 372,552 lb dw) and hammerhead shark (27.1 mt dw; 59,736 lb dw) regional quotas in the Atlantic region, establish a management boundary for the SCS fishery, and prohibit the retention of blacknose sharks north of the management boundary at 34°00′ N. lat. Based on historical landings and 2014 ex-vessel prices, the annual gross revenues for blacknose meat in the Atlantic region south of 34°00′ N. lat. would be $29,578, while the blacknose shark fins would be $7,584. Thus, total average annual gross revenues for blacknose landings in the Atlantic region south of 34°00′ N. lat. would be $37,162 (29,578 + $7,584). Based on eDealer landings, there are approximately 21 active directed shark permit holders that landed SCS in 2014 south of 34°00′ N. lat. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder south of 34°00′ N. lat. would be $1,770 per vessel. No economic impacts are expected from maintaining the current LCS and hammerhead regional quotas structure as fishermen would continue to fish at current rates and would not be limited by sub-regional quotas. However, NMFS would intend to use existing regulations to monitor the LCS quotas and adjust the retention limit as needed to ensure equitable fishing opportunities throughout the region. This approach could result in some minor beneficial impacts over the long-term. Establishing a management boundary and removing quota linkages north of 34°00′ N. lat. in this alternative would have beneficial impacts for fishermen north of the management boundary, as active fishermen in the area above 34°00′ N. lat. would be able to continue fishing for non-blacknose SCS without being constrained by the fishing activities south of 34°00′ N. lat., where the majority of blacknose sharks are landed. Given the fact that in recent years the SCS fishery has closed before the non-blacknose SCS quota has been harvested, fishermen north of the management boundary who would be able to continue to fish after the fisheries are closed south of the management boundary, could have substantial economic gains under this alternative. Economic benefits associated with removing quota linkages between non-blacknose SCS and blacknose sharks, allowing fishermen north of the management boundary to land a larger number of non-blacknose SCS, would outweigh for the fishermen north of the boundary the income lost from prohibiting landings of blacknose sharks. This is in part due to the minimal landings of blacknose sharks north of 34°00′ N. lat. and the request of fishermen in the Atlantic to remove the linkage between the two management groups in order to continue fishing for non-blacknose SCS when the blacknose quota is reached. In the area south of 34°00′ N. lat., no change in socioeconomic impacts is expected by maintaining the quota linkages already in place for the SCS fishery as this alternative is essentially status quo. Fishermen south of the management boundary line would be able to continue fishing for non-blacknose SCS based upon how successful they are at avoiding blacknose sharks. If blacknose shark bycatch remains low, fishermen would have the opportunity to continue fishing the non-blacknose SCS quota. Thus, by implementing management measures considered in Alternative C8, this alternative would result in overall direct and indirect, short- and long-term minor beneficial socioeconomic impacts.

Gulf of Mexico Regional and Sub-Regional Quotas

Alternative D1, the No Action alternative, would maintain the current regional quotas and quota linkages in the Gulf of Mexico region and continue to allow harvest of hammerhead sharks throughout the entire Gulf of Mexico region. This alternative would likely result in short-term neutral direct economic impacts, because shark fishermen would continue to operate under current conditions, with shark fishermen continuing to fish at similar rates. Based on the 2014 ex-vessel prices, the annual gross revenues for the entire fleet from blacktip, aggregated LCS, and hammerhead shark meat in the Gulf of Mexico region would be $497,148, while the shark fins would be $472,355. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the Gulf of Mexico region would be $969,503 ($497,148+ $472,355), which would be 22 percent of the entire shark fishery. Based on eDealer landings, there are approximately 28 active directed shark permit holders that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in the Gulf of Mexico would be $34,625 per vessel. For the non-blacknose SCS and blacknose shark landings, the annual gross revenues for the entire fleet from the meat would be $39,995, while the shark fins would be $30,610. The total average annual gross revenues for non-blacknose SCS and blacknose shark landings in the Gulf of Mexico region would $70,605 ($39,995 + $30,610), which is 2 percent of the entire revenue for the shark fishery. Based on eDealer landings, there are approximately 8 active directed shark permit holders that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in the Gulf of Mexico would be $8,826 per vessel. Alternative D1 would likely result in short-term neutral direct socioeconomic impacts because shark fishermen would continue to operate under current conditions and to fish at similar rates. However, this alternative would likely result in long-term minor adverse socioeconomic impacts. Negative impacts would be partly due to the continued negative impact of federal and state regulations related to shark finning and sale of shark fins, which have resulted in declining ex-vessel prices of fins since 2010, as well as continued changes in shark fishery management measures. In addition, under the No Action alternative, the non-blacknose SCS quota would not be modified. This could potentially lead to negative socioeconomic impacts, since the non-blacknose SCS quotas could be increased based on results from the most recent stock assessment, as described in Alternatives D6–D8 below. Additionally, under the current regulations, differences in regional season opening dates would impact the availability of quota remaining in the Gulf of Mexico. Florida fishermen prefer to begin fishing the LCS quotas in the beginning of the year, when sharks are in local waters. However, opening the season at the beginning of the year puts Louisiana fishermen at a slight economic disadvantage, as many Louisiana fishermen prefer to delay fishing, maximizing fishing efforts during the religious holiday Lent when prices for shark meat are higher. Indirect short-term socioeconomic impacts resulting from any of the actions in Alternative D1 would likely be neutral because the measures would maintain the status quo with respect to shark landings and fishing effort. However, this alternative would likely result in indirect long-term minor adverse socioeconomic impacts. Negative

socioeconomic impacts and decreased revenues associated with financial difficulties experienced by fishermen within the Gulf of Mexico shark fisheries would carry over to the dealers and supporting businesses they regularly interact with. In addition, this alternative would not achieve the goals of this rulemaking of increasing management flexibility to adapt to the changing needs of the Atlantic shark fisheries.

Alternative D2 would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS and hammerhead sharks along 89°00′ W. longitude into western and eastern sub-regional quotas. Establishing sub-regional quotas would provide flexibility in seasonal openings within the Gulf of Mexico region. Different seasonal openings within sub-regions would allow fishermen to maximize their fishing effort during periods when sharks migrate into local waters or during periods when sales of shark meat are increased (*e.g.*, in Louisiana, during Lent). Allowing fishermen in these states more flexibility, by implementing sub-regions, could result in a higher proportion of the quota being landed and increased average annual gross revenues. This would benefit the economic interests of the Louisiana and Florida fishermen, the primary constituents impacted by the timing of seasonal openings for LCS and SCS in the Gulf of Mexico, by placing them in separate sub-regions with separate sub-regional quotas. No negative impacts are expected for either the fishermen or the length of the fishing season since NMFS will be able to transfer quota between sub-regions to ensure that the full quota is harvested.

Under this alternative, the eastern Gulf of Mexico sub-region would receive 30.8 mt dw in blacktip shark, 88.8 mt dw in aggregated LCS, and 13.4 mt dw in hammerhead shark quotas. Based on the 2014 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $153,897, while the shark fins would be $145,758. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $299,655 ($153,897 + $145,758). Based on eDealer landings, there are approximately 11 active directed shark permit holders in the eastern Gulf of Mexico sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $27,241 per vessel. When compared to Alternative D3, the eastern Gulf of Mexico sub-region would have minor beneficial economic impacts under Alternative D2, because this alternative would result in the highest total average annual gross revenues for blacktip, aggregated LCS, and hammerhead sharks. In the western Gulf of Mexico sub-region, fishermen would receive 225.8 mt dw in blacktip shark, 68.7 mt dw in aggregated LCS, and 11.9 mt dw in hammerhead shark quotas. Based on the 2014 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $343,251, while the shark fins would be $326,597. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $669,502 ($343,251 + $326,251). Based on eDealer landings, there are approximately 17 active directed shark permit holders in the western Gulf of Mexico sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $39,382 per vessel.

Alternative D2 would result in $19,753 more in annual gross revenues for the eastern Gulf of Mexico sub-region, as compared to Alternative D3. This alternative would have direct short-term minor beneficial economic impacts as a result of implementing a sub-regional quota structure, combined with higher sub-regional quotas and therefore increased potential gross revenue, received by the eastern Gulf of Mexico sub-region. However, despite the increase in the quota for the eastern Gulf of Mexico sub-region, in the long-term, there could be minor adverse economic impacts based on the boundary line chosen to separate the sub-regions in the Gulf of Mexico. Placing the boundary between the eastern and western Gulf of Mexico sub-regions along 89°00′ W. long. (*i.e.,* between fishing catch areas 11 and 12) may not create sufficient geographic separation between the major stakeholders in the Gulf of Mexico (*i.e.,* Louisiana and Florida), as opposed to the boundary in Alternative D3. As the range of Louisiana fishermen extends east beyond this boundary, placing the boundary along 89°00′ W. long. would allow active shark fishermen in the western sub-region to utilize both sub-regional quotas while active shark fishermen in the eastern sub-region would be limited to just the eastern sub-region quota. As such, this alternative could result in less equitable economic benefits to fishermen in both sub-regions. Fishermen in the western sub-region could potentially increase their gross annual revenues by harvesting some of the eastern sub-regional quota, which would be lost by fishermen from the eastern sub-region, who could lose some of their potential annual revenue as a result of not fully harvesting the eastern sub-regional quota.

Alternative D3, one of the preferred alternatives, would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS, and hammerhead sharks along 88°00′ W. long. into western and eastern sub-regional quotas. Under this alternative, the eastern Gulf of Mexico sub-region would receive 9.8 percent of the total blacktip quota (25.1 mt dw; 55,439 lb dw), 54.3 percent of the total aggregated LCS quota (85.5 mt dw; 188,593 lb dw), and 52.8 percent of the total hammerhead shark quota (13.4 mt dw; 29,421 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the eastern Gulf of Mexico sub-region would be $143,735 while the shark fins would be $136,167. Thus, total average annual gross revenues for blacktip, aggregated LCS, and hammerhead shark landings in the eastern Gulf of Mexico sub-region would be $279,902 ($143,735 + $136,167). Based on eDealer landings, there are approximately 11 active directed shark permit holders in the eastern Gulf of Mexico sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $25,446 per vessel. The eastern Gulf of Mexico sub-region would have minor adverse socioeconomic impacts under Alternative D3, because this alternative would result in lower total average annual gross revenues for blacktip, aggregated LCS, and hammerhead sharks than under Alternative D2. In the western Gulf of Mexico sub-region, fishermen would receive 90.2 percent of the total blacktip quota (231.5 mt dw; 510,261 lb dw), 45.7 percent of the total aggregated LCS quota (72.0 mt dw; 158,724 lb dw), and 47.2 percent of the total hammerhead shark quota (11.9 mt dw; 23,301 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for blacktip, aggregated LCS, and hammerhead shark meat in the western Gulf of Mexico sub-region would be $251,403, while the shark fins would be $101,055. Thus, total average annual gross revenues for blacktip,

aggregated LCS, and hammerhead shark landings in the western Gulf of Mexico sub-region would be $689,601 ($353,412 + $336,189). Based on eDealer landings, there are approximately 17 active directed shark permit holders in the western Gulf of Mexico sub-region that landed LCS in 2014. Based on this number of individual permits, the total average annual gross revenues for the active directed permit holders in this sub-region would be $40,565 per vessel, which would be more than the average annual gross revenue per vessel under Alternatives D1 or D2.

Alternative D3 would result in $19,753 less in annual gross revenues to the eastern Gulf of Mexico sub-region, which would receive slightly smaller sub-regional quotas under this alternative, as compared to under Alternative D2. However, despite the economic disadvantages resulting from slightly smaller sub-regional quotas for the eastern Gulf of Mexico sub-region, overall there would be short-term minor beneficial economic impacts and long-term moderate beneficial socioeconomic impacts under this alternative, based on where the Gulf of Mexico sub-region would be split. Placing the boundary between the eastern and western Gulf of Mexico sub-regions along 88°00′ W. long. (*i.e.,* between fishing catch areas 10 and 11) would create better geographic separation between the major stakeholders in the Gulf of Mexico (*i.e.,* Louisiana and Florida), as opposed to the boundary in Alternative D2. This would provide more equitable economic benefits to fishermen in both sub-regions, by allowing them increased likelihood of fully harvesting their sub-regional quotas, and maximizing the potential annual revenue they could gain upon implementation of sub-regional quotas in the Gulf of Mexico.

Alternative D4 would apportion the Gulf of Mexico regional quotas for blacktip, aggregated LCS, and hammerhead sharks along 89°00′ W. longitude into western and eastern sub-regional quotas, maintain LCS quota linkages in the eastern sub-region of the Gulf of Mexico region, remove the LCS quota linkages in the western sub-region of the Gulf of Mexico region, and prohibit the harvest of hammerhead sharks in the western Gulf of Mexico sub-region. In the Draft EA for Amendment 6, NMFS originally considered this alternative to have neutral economic impacts, as there were negligible landings of hammerhead sharks in western sub-region between 2008–2013. However, based on updated landing data resulting in comparable hammerhead shark sub-regional quotas (13.4 mt dw for the eastern Gulf of Mexico sub-region, and 11.9 mt dw for the western Gulf of Mexico sub-region), it is now apparent that there would be some negative socioeconomic impacts if NMFS were to prohibit hammerhead sharks in the western sub-region. Given this information, prohibiting retention of hammerhead sharks in the western sub-region would result in a large number of regulatory discards, and would also have negative socioeconomic impacts on fishermen in this sub-region. Under Alternative D4, there would be loss of $25,941 for active shark fishermen operating within the western Gulf of Mexico region if they were unable to retain hammerhead sharks. Additionally, based on public comment on the preference for a boundary line at 88°00' W. long., placing the boundary line at 89°00′ W. long. would allow fishermen operating in the western sub-region an opportunity to harvest from both sub-regional quotas. While implementing sub-regional quotas in the Gulf of Mexico would allow fishermen to maximize their fishing effort at times when fishing would be most profitable for them, thereby maximizing revenue, placing the boundary line at 89°00′ W. long. would decrease the likelihood of fishermen from each respective sub-region fully harvesting their sub-regional quota, and maximizing the potential annual revenue they could gain upon implementation of sub-regional quotas in the Gulf of Mexico. Thus, Alternative D4 would likely result in both direct and indirect short- and long-term minor adverse socioeconomic impacts across the entire Gulf of Mexico region, as there would be potential losses from prohibiting landings of hammerhead sharks in the western Gulf of Mexico and from choosing a boundary that does not create sufficient geographic separation between the major stakeholders in the Gulf of Mexico.

Under Alternative D5, NMFS would establish a non-blacknose SCS TAC of 931.9 mt dw and maintain the current base annual quota of 45.5 mt dw (100,317 lb dw). However, given the impact of federal and state regulations related to shark finning and sale of shark fins, which have resulted in declining ex-vessel prices of fins since 2010, on fishermen in the Gulf of Mexico, maintaining the current base annual quota would likely have negative socioeconomic impacts. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS and blacknose shark meat in the Gulf of Mexico region would be $36,114, while the shark fins would be $29,293. Thus, total average annual gross revenues for non-blacknose SCS landings would be $65,407 ($36,114 + $29,293). Based on eDealer landings, there are approximately 8 active directed shark permit holders that landed SCS in 2014. Based on this number of individual permits, the total average annual gross revenue for the active directed permit holder in Atlantic would be $8,176 per vessel. When compared to Alternative D8, the preferred alternative, this alternative would result in $96,429 ($161,836 − $65,407) less in total gross annual revenue, or $12,054 less per vessel. Alternative D5 would likely result in both direct and indirect short- and long-term moderate adverse socioeconomic impacts, as fishermen would continue to experience reduced revenue throughout the region, as would the dealers and supporting business that they regularly interact with.

Under Alternative D6, NMFS would establish a non-blacknose SCS TAC of 954.7 mt dw and increase the quota to the current adjusted annual quota of 68.3 mt dw (150,476 lb dw). Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the Gulf of Mexico region would be $54,171, while the shark fins would be $43,939. Thus, total average annual gross revenues for non-blacknose SCS landings would be $90,110 ($54,171 + $43,939). There are approximately 8 active directed shark permit holders in the entire Gulf of Mexico that landed SCS in 2014, which would result in average annual gross revenues for all SCS species of $11,264 per vessel. Given current financial difficulties faced by fishermen, associated with declining ex-vessel prices and restrictions on the sale of shark fins, the beneficial economic impacts of increasing the annual quota by 22.8 mt dw (from the quota under Alternative D5) would likely be minimal. Thus, it is likely that Alternative D6 could result in both direct and indirect short- and long-term neutral to minor adverse economic impacts.

Under Alternative D7, NMFS would establish a non-blacknose SCS TAC of 1,064.9 mt dw and increase the quota to 178.5 mt dw (393,566 lb dw). Under this alternative, the commercial quota would be increased to twice the current 2013 landings, which is almost four times the current base annual quota for non-blacknose SCS. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the Gulf of Mexico region would be $141,684, while the shark fins would be $114,921. Thus, total average annual gross revenues for non-blacknose SCS landings would be $256,605 ($141,684 +

$114,921). There are approximately 8 active directed shark permit holders in the entire Gulf of Mexico, which would result in average annual gross revenues for all SCS species of $32,076 per vessel. The quota considered under this alternative would result in an increase of $94,769 ($256,605 − $161,836) in annual revenues or an increase of $11,846 per vessel, over the quota considered in preferred Alternative D8. Alternative D7 could have short-term beneficial socioeconomic impacts, since the commercial quota under this alternative is almost four times the current base quota for non-blacknose SCS. However, if the increase in quota results in overfishing for blacknose and/or finetooth sharks, additional restrictions would be likely in the future, which would likely have large negative economic impacts.

Alternative D8, one of the preferred alternatives, would establish a non-blacknose SCS TAC of 999.0 mt dw, increase the quota to 112.6 mt dw (248,215 lb dw), and prohibit the retention of blacknose sharks in the Gulf of Mexico. Under this alternative, the commercial quota would be increased to almost twice the 2013 landings, which is almost four times the current base annual quota for non-blacknose SCS, but then would be adjusted down to account for blacknose shark discards that would occur as a result of the prohibition on retaining blacknose sharks. Based on the 2014 ex-vessel prices, the annual gross revenues for non-blacknose SCS meat in the Gulf of Mexico region would be $89,357, while the shark fins would be $72,479. Thus, total average annual gross revenues for non-blacknose SCS landings would be $345,551 ($125,941 + $219,610). Fishermen could potentially land more non-blacknose SCS under this alternative than under either Alternatives D5 or D6, resulting in increased annual revenues. While the quota would be lower than under Alternative D7, by prohibiting blacknose sharks, this would remove the linkage between blacknose sharks and non-blacknose sharks, and increase the likelihood that fishermen could harvest the entire non-blacknose SCS quota. Additional revenue gained from increasing the non-blacknose SCS quota would outweigh a loss of $5,199 from prohibiting blacknose in the Gulf of Mexico. Potential loss of gross revenue by shark fishermen due to the prohibition on blacknose may also be less than $5,199, as fishermen have demonstrated an ability to largely avoid blacknose sharks with the use of gillnet gear. Fishermen in the Gulf of Mexico have also been requesting a prohibition on landing and retention of blacknose sharks since Amendment 3 to the 2006 Consolidated HMS FMP, when blacknose sharks were separated from the SCS management group and linked to the newly created non-blacknose SCS management group. The small blacknose shark quota has resulted in early closure before the non-blacknose SCS quota could be harvested. However, in recent years, blacknose sharks have not been the limiting factor in initiating closure of the linked SCS management groups in the Gulf of Mexico; instead, it has been landings of non-blacknose SCS either exceeding or being projected to exceed 80 percent of the quota. Thus, Alternative D8 would likely result in both direct and indirect short- and long-term moderate beneficial socioeconomic impacts, since the commercial quota under this alternative would be higher than the current base quota for non-blacknose SCS.

Upgrading Restrictions

Under Alternative E1, the No Action alternative, NMFS would maintain the current upgrading restrictions in place for shark limited access permit holders. Thus, shark limited access permit holders would continue to be limited to upgrading a vessel or transferring a permit only if it does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. The No Action alternative could result in direct and indirect minor adverse economic impacts if fishermen continue to be constrained by limits on horsepower and vessel size increases. Fishermen would also be limited by these upgrading restrictions when buying, selling, or transferring shark directed limited access permits.

Alternative E2, a preferred alternative, would remove current upgrading restrictions for shark directed permit holders. Eliminating these restrictions would have short- and long-term minor beneficial economic impacts, since it would allow fishermen to buy, sell, or transfer shark directed permits without worrying about the increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. In addition, the upgrade restriction for shark permit holders was implemented to match the upgrading restrictions for the Northeast multispecies permits. NMFS is currently considering removing the upgrading restrictions for the Northeast multispecies permits, and if those are removed, then removing the upgrading restrictions for shark directed permit holders could aid in maintaining consistency for fishermen who hold multiple permits.

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule or group of related rules for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to take to comply with a rule or group of rules. As part of this rulemaking process, a letter to permit holders that also serves as small entity compliance guide (the guide) was prepared. Copies of this final rule are available from the HMS Management Division (see **ADDRESSES**) and the guide (*i.e.,* permit holder letter) will be sent to all holders of permits for the Atlantic shark commercial fisheries. The guide and this final rule will be available upon request.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: August 6, 2015.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 635 is amended 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 § 635.2, add the definition ''Management group'' in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Management group in regard to sharks means a group of shark species that are combined for quota management purposes. A management group may be split by region or sub-region, as defined at § 635.27(b)(1). A fishery for a management group can be opened or closed as a whole or at the regional or sub-regional levels. Sharks have the following management groups: Atlantic

aggregated LCS, Gulf of Mexico aggregated LCS, research LCS, hammerhead, Atlantic non-blacknose SCS, Gulf of Mexico non-blacknose SCS, and pelagic sharks other than blue or porbeagle.

* * * * *

3. In § 635.4, revise paragraph (l)(2)(i), the introductory text of paragraph (l)(2)(ii), and paragraphs (l)(2)(iv) through (vi), and remove paragraph (l)(2)(x) to read as follows:

§ 635.4 Permits and fees.

* * * * *

(l) * * *

(2) * * *

(i) Subject to the restrictions on upgrading the harvesting capacity of permitted vessels in paragraph (l)(2)(ii) of this section, as applicable, and to the limitations on ownership of permitted vessels in paragraph (l)(2)(iii) of this section, an owner may transfer a shark or swordfish LAP or an Atlantic Tunas Longline category permit to another vessel that he or she owns or to another person. Directed handgear LAPs for swordfish may be transferred to another vessel or to another person but only for use with handgear and subject to the upgrading restrictions in paragraph (l)(2)(ii) of this section and the limitations on ownership of permitted vessels in paragraph (l)(2)(iii) of this section. Shark directed and incidental LAPs and swordfish incidental LAPs are not subject to the upgrading requirements specified in paragraph (l)(2)(ii) of this section. Shark and swordfish incidental LAPs are not subject to the ownership requirements specified in paragraph (l)(2)(iii) of this section.

(ii) An owner may upgrade a vessel with a swordfish LAP or an Atlantic Tunas Longline category permit, or transfer such permit to another vessel or to another person, and be eligible to retain or renew such permit only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the vessel baseline specifications. A vessel owner that concurrently held a directed or incidental swordfish LAP, a directed or incidental shark LAP, and an Atlantic Tunas Longline category permit as of August 6, 2007, is eligible to increase the vessel size or transfer the permits to another vessel as long as any increase in the three specifications of vessel size (length overall, gross registered tonnage, and net tonnage) does not exceed 35 percent of the vessel baseline specifications, as defined in paragraph (l)(2)(ii)(A) of this section; horsepower for those eligible vessels is not limited for purposes of vessel upgrades or permit transfers.

* * * * *

(iv) In order to transfer a swordfish, shark or an Atlantic Tunas Longline category limited access permit to a replacement vessel, the owner of the vessel issued the limited access permit must submit a request to NMFS, at an address designated by NMFS, to transfer the limited access permit to another vessel, subject to requirements specified in paragraph (l)(2)(ii) of this section, if applicable. The owner must return the current valid limited access permit to NMFS with a complete application for a limited access permit, as specified in paragraph (h) of this section, for the replacement vessel. Copies of both vessels' U.S. Coast Guard documentation or state registration must accompany the application.

(v) For swordfish, shark, and an Atlantic Tunas Longline category limited access permit transfers to a different person, the transferee must submit a request to NMFS, at an address designated by NMFS, to transfer the original limited access permit(s), subject to the requirements specified in paragraphs (l)(2)(ii) and (iii) of this section, if applicable. The following must accompany the completed application: The original limited access permit(s) with signatures of both parties to the transaction on the back of the permit(s) and the bill of sale for the permit(s). A person must include copies of both vessels' U.S. Coast Guard documentation or state registration for limited access permit transfers involving vessels.

(vi) For limited access permit transfers in conjunction with the sale of the permitted vessel, the transferee of the vessel and limited access permit(s) issued to that vessel must submit a request to NMFS, at an address designated by NMFS, to transfer the limited access permit(s), subject to the requirements specified in paragraphs (l)(2)(ii) and (iii) of this section, if applicable. The following must accompany the completed application: The original limited access permit(s) with signatures of both parties to the transaction on the back of the permit(s), the bill of sale for the limited access permit(s) and the vessel, and a copy of the vessel's U.S. Coast Guard documentation or state registration.

* * * * *

■ 4. In § 635.24, revise paragraphs (a)(2) and (3), (a)(4)(ii) and (iii), and (a)(8) to read as follows:

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

* * * * *

(a) * * *

(2) Except as noted in paragraphs (a)(4)(iv) through (vi) of this section, 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 zero 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 45 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 § 635.24(a)(8).

(3) Except as noted in paragraphs (a)(4)(iv) through (vi) of this section, a person who owns or operates a vessel that has been issued an incidental 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 an incidental LAP for sharks and that has been issued a valid shark research permit but does not have a NMFS-approved observer on board, may retain, possess, or land no more than 3 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.

(4) * * *

(ii) A person who owns or operates a vessel that has been issued a shark LAP and is operating south of 34°00′ N. lat. in the Atlantic region, as defined at § 635.27(b)(1), may retain, possess, land, or sell blacknose and non-blacknose SCS if the respective blacknose and non-blacknose SCS management groups are open per §§ 635.27 and 635.28. A person who owns or operates a vessel that has been issued a shark LAP and is operating north of 34°00′ N. lat. in the Atlantic region, as defined at § 635.27(b)(1), or a person who owns or operates a vessel that has been issued a shark LAP and is operating in the Gulf

of Mexico region, as defined at § 635.27(b)(1), may not retain, possess, land, or sell any blacknose sharks, but may retain, possess, land, or sell non-blacknose SCS if the respective non-blacknose SCS management group is open per §§ 635.27 and 635.28.

(iii) Consistent with paragraph (a)(4)(ii) of this section, a person who owns or operates a vessel that has been issued an incidental shark LAP may retain, possess, or land no more than 16 SCS and pelagic sharks, combined, per trip, if the respective fishery is open per §§ 635.27 and 635.28.

* * * * *

(8) *Inseason trip limit adjustment criteria.* NMFS will file with the Office of the Federal Register for publication notification of any inseason adjustments to trip limits by region or sub-region. Before making any adjustment, NMFS will consider the following criteria and other relevant factors:

(i) The amount of remaining shark quota in the relevant area, region, or sub-region, to date, based on dealer reports;

(ii) The catch rates of the relevant shark species/complexes in the region or sub-region, to date, based on dealer reports;

(iii) Estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates;

(iv) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments;

(v) Variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge; and/or

(vi) Effects of catch rates in one part of a region or sub-region precluding vessels in another part of that region or sub-region from having a reasonable opportunity to harvest a portion of the relevant quota.

* * * * *

■ 5. In § 635.27, revise paragraph (b)(1), paragraph (b)(2) introductory text, paragraph (b)(2)(i), paragraph (b)(2)(ii), paragraph (b)(2)(iii) introductory text, and paragraph (b)(3) introductory text to read as follows:

§ 635.27 Quotas.

* * * * *

(b) *Sharks*—(1) *Commercial quotas.* The commercial quotas for sharks specified in this section apply to all sharks harvested from the management unit, regardless of where harvested. Sharks caught and landed commercially from state waters, even by fishermen without Federal shark permits, must be counted against the appropriate commercial quota. Any of the base quotas listed below, including regional and/or sub-regional base quotas, may be adjusted per paragraph (b)(2) of this section. Any sharks landed commercially as ''unclassified'' will be counted against the appropriate quota based on the species composition calculated from data collected by observers on non-research trips and/or dealer data. No prohibited sharks, including parts or pieces of prohibited sharks, which are listed under heading D of Table 1 of appendix A to this part, may be retained except as authorized under § 635.32. For the purposes of this section, the boundary between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4′ N. lat., proceeding due east. Any water and land to the south and west of that boundary is considered, for the purposes of quota monitoring and setting of quotas, to be within the Gulf of Mexico region. Any water and land to the north and east of that boundary, for the purposes of quota monitoring and setting of quotas, is considered to be within the Atlantic region.

(i) *Commercial quotas that apply only in the Atlantic Region.* The commercial quotas specified in this paragraph (b)(1)(i) apply only to those species of sharks and management groups within the management unit that were harvested in the Atlantic region, as defined in paragraph (b)(1) of this section.

(A) *Atlantic aggregated LCS.* The base annual commercial quota for Atlantic aggregated LCS is 168.9 mt dw.

(B) *Atlantic hammerhead sharks.* The regional base annual commercial quota for hammerhead sharks caught in the Atlantic region is 27.1 mt dw (51.7% of the overall base quota established in paragraph (b)(1)(iii) of this section).

(C) *Atlantic non-blacknose SCS.* The base annual commercial quota for Atlantic non-blacknose SCS is 264.1 mt dw.

(D) *Atlantic blacknose sharks.* The base annual commercial quota for Atlantic blacknose sharks is 17.2 mt dw. Blacknose sharks may only be harvested for commercial purposes in the Atlantic region south of 34°00′ N. lat. The harvest of blacknose sharks by persons aboard a vessel that has been issued or should have been issued a shark LAP and that is operating north of 34°00′ N. lat. is prohibited.

(ii) *Commercial quotas that apply only in the Gulf of Mexico Region.* The commercial quotas specified in this paragraph (b)(1)(ii) apply only to those species of sharks and management groups within the management unit that were harvested in the Gulf of Mexico region, as defined in paragraph (b)(1) of this section. The Gulf of Mexico region is further split into western and eastern Gulf of Mexico sub-regions by a boundary that is drawn along 88°00′ W. long. All sharks harvested within the Gulf of Mexico region in fishing catch areas in waters westward of 88°00′ W. long. are considered to be from the western Gulf of Mexico sub-region, and all sharks harvested within the Gulf of Mexico region in fishing catch areas in waters east of 88°00′ W. long., including within the Caribbean Sea, are considered to be from the eastern Gulf of Mexico sub-region.

(A) *Gulf of Mexico aggregated LCS.* The base annual commercial quota for Gulf of Mexico aggregated LCS is 157.5 mt dw. The eastern Gulf of Mexico sub-region base quota is 85.5 mt dw (54.3% of the Gulf of Mexico region base quota) and the western Gulf of Mexico sub-region base quota is 72.0 mt dw (45.7% of the Gulf of Mexico region base quota).

(B) *Gulf of Mexico hammerhead sharks.* The regional base annual commercial quota for hammerhead sharks caught in the Gulf of Mexico region is 25.3 mt dw (48.3% of the overall base quota established in paragraph (b)(1)(iii) of this section). The eastern Gulf of Mexico sub-region base quota is 13.4 mt dw (52.8% of this regional base quota) and the western Gulf of Mexico sub-region base quota is 11.9 mt dw (47.2% of this regional base quota).

(C) *Gulf of Mexico blacktip sharks.* The base annual commercial quota for Gulf of Mexico blacktip sharks is 256.6 mt dw. The eastern Gulf of Mexico sub-region base quota is 25.1 mt dw (9.8% of the Gulf of Mexico region base quota) and the western Gulf of Mexico sub-region base quota is 231.5 mt dw (90.2% of the Gulf of Mexico region base quota).

(D) *Gulf of Mexico non-blacknose SCS.* The base annual commercial quota for Gulf of Mexico non-blacknose SCS is 112.6 mt dw. This base quota is not split between the eastern and western Gulf of Mexico sub-regions.

(E) *Gulf of Mexico blacknose sharks.* The base annual commercial quota for Gulf of Mexico blacknose sharks is 0.0 mt dw. The harvest of blacknose sharks by persons aboard a vessel that has been issued or should have been issued a shark LAP and that is operating in the Gulf of Mexico region is prohibited.

(iii) *Commercial quotas that apply in all regions.* The commercial quotas specified in this section apply to any sharks or management groups within the management unit that were

harvested in either the Atlantic or Gulf of Mexico regions.

(A) *Sandbar sharks.* The base annual commercial quota for sandbar sharks is 90.7 mt dw. This quota, as adjusted per paragraph (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(B) *Research LCS.* The base annual commercial quota for Research LCS is 50 mt dw. This quota, as adjusted per paragraph (b)(2) of this section, is available only to the owners of commercial shark vessels that have been issued a valid shark research permit and that have a NMFS-approved observer onboard.

(C) *Hammerhead sharks.* The overall base annual commercial quota for hammerhead sharks is 52.4 mt dw. This overall base quota is further split for management purposes between the regions defined in paragraphs (b)(1)(i) and (ii) of this section.

(D) *Pelagic sharks.* The base annual commercial quotas for pelagic sharks are 273.0 mt dw for blue sharks, 1.7 mt dw for porbeagle sharks, and 488.0 mt dw for pelagic sharks other than blue sharks or porbeagle sharks.

(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. No quota will be available, and the fishery will not open, until any adjustments are published in the **Federal Register** and effective. 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.

(i) *Annual overharvest adjustments*—(A) *Adjustments of annual overall and regional base quotas.* Except as noted in this section, if any of the available commercial base or adjusted overall quotas or regional quotas, as described in this section, is exceeded in any fishing year, NMFS will deduct an amount equivalent to the overharvest(s) from the base overall or regional quota the following fishing year or, depending on the level of overharvest(s), NMFS may deduct from the overall or regional base quota an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years. If the blue shark quota is exceeded, NMFS will reduce the annual commercial quota for pelagic sharks by the amount that the blue shark quota is exceeded prior to the start of the next fishing year or, depending on the level of overharvest(s), deduct an amount equivalent to the overharvest(s) spread over a number of subsequent fishing years to a maximum of five years.

(B) *Adjustments to sub-regional quotas.* If a sub-regional quota is exceeded but the regional quota is not, NMFS will not reduce the annual regional base quota the following year and sub-regional quotas will be determined as specified in paragraph (b)(1) of this section. If both a sub-regional quota(s) and the regional quota are exceeded, for each sub-region in which an overharvest occurred, NMFS will deduct an amount equivalent to that sub-region's overharvest from that sub-region's quota the following fishing year or, depending on the level of overharvest, NMFS may deduct from that sub-region's base quota an amount equivalent to the overharvest spread over a number of subsequent fishing years to a maximum of five years.

(C) *Adjustments to quotas when the species or management group is split into regions or sub-regions for management purposes and not as a result of a stock assessment.* If a regional quota for a species that is split into regions for management purposes only is exceeded but the overall quota is not, NMFS will not reduce the overall base quota for that species or management group the following year and the regional quota will be determined as specified in paragraph (b)(1) of this section. If both a regional quota(s) and the overall quota is exceeded, for each region in which an overharvest occurred, NMFS will deduct an amount equivalent to that region's overharvest from that region's quota the following fishing year or, depending on the level of overharvest(s), NMFS may deduct from that region's base quota an amount equivalent to the overharvest spread over a number of subsequent fishing years to a maximum of five years. If a sub-regional quota of a species or management group that is split into regions for management purposes only is exceeded, NMFS will follow the procedures specified in paragraph (b)(2)(i)(B) of this section.

(ii) *Annual underharvest adjustments.* Except as noted in this paragraph (b)(2)(ii), if any of the annual base or adjusted quotas, including regional quotas, as described in this section is not harvested, NMFS may adjust the annual base quota, including regional quotas, depending on the status of the stock or management group. If a species or a specific species within a management group is declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may not adjust the following fishing year's base quota, including regional quota, for any underharvest, and the following fishing year's quota will be equal to the base annual quota. If the species or all species in a management group is not declared to be overfished, to have overfishing occurring, or to have an unknown status, NMFS may increase the following year's base annual quota, including regional quota, by an equivalent amount of the underharvest up to 50 percent above the base annual quota. Except as noted in paragraph (b)(2)(iii) of this section, underharvests are not transferable between regions, species, and/or management groups.

(iii) *Determination criteria for inseason and annual quota transfers between regions and sub-regions.* Inseason or annual quota transfers of quotas between regions or sub-regions may be conducted only for species or management groups where the species are the same between regions or sub-regions and the quota is split between regions or sub-regions for management purposes and not as a result of a stock assessment. Before making any inseason or annual quota transfer between regions or sub-regions, NMFS will consider the following criteria and other relevant factors:

* * * * *

(3) *Opening commercial fishing season criteria.* NMFS will file with the Office of the Federal Register for publication notification of the opening dates of the overall, regional, and sub-regional shark fisheries for each species and management group. Before making any decisions, NMFS would consider the following criteria and other relevant factors in establishing the opening dates:

* * * * *

■ 6. In § 635.28, revise paragraph (b) to read as follows:

§ 635.28 Fishery closures.

* * * * *

(b) *Sharks.* (1) A shark fishery that meets any of the following circumstances is closed and subject to the requirements of paragraph (b)(6) of this section:

(i) No overall, regional, and/or sub-regional quota, as applicable, is specified at § 635.27(b)(1);

(ii) The overall, regional, and/or sub-regional quota, as applicable, specified at § 635.27(b)(1) is zero;

(iii) After accounting for overharvests as specified at § 635.27(b)(2), the overall, regional, and/or sub-regional quota, as applicable, is determined to be

zero or close to zero and NMFS has closed the fishery by publication of a notice in the **Federal Register**;

(iv) The species is a prohibited species as listed under Table 1 of appendix A of this part; or

(v) Landings of the species and/or management group meet the requirements specified in § 635.28(b)(2) through (5) and NMFS has closed the fishery by publication of a notice in the **Federal Register**.

(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 as specified by a publication in the **Federal Register**, 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 available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure, as applicable, for that shark species and/or shark management group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure 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, even across fishing years.

(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 quota specified in § 635.27(b)(1) is available for both of the linked species and/or management groups as specified by a publication in the **Federal Register**, then 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 has reached or is projected to reach 80 percent of the available overall, regional, and/or sub-regional quota as specified in § 635.27(b)(1), NMFS will file for publication with the Office of the Federal Register a notice of an overall, regional, and/or sub-regional closure for all of the species and/or management groups in that linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure 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, even across fishing years.

(4) The quotas of the following species and/or management groups are linked:

(i) Atlantic hammerhead sharks and Atlantic aggregated LCS.

(ii) Eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS.

(iii) Western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS.

(iv) Atlantic blacknose sharks and Atlantic non-blacknose SCS south of 34°00′ N. lat.

(5) NMFS may close the regional or sub-regional Gulf of Mexico blacktip shark management group(s) before landings reach, or are expected to reach, 80 percent of the quota, after considering the following criteria and other relevant factors:

(i) Estimated Gulf of Mexico blacktip shark season length based on available sub-regional quotas and average sub-regional weekly catch rates during the current fishing year and from previous years;

(ii) Variations in regional and/or sub-regional seasonal distribution, abundance, or migratory patterns of blacktip sharks, hammerhead sharks, and aggregated LCS based on scientific and fishery information;

(iii) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments;

(iv) The amount of remaining shark quotas in the relevant sub-regions, to date, based on dealer or other reports; and,

(v) The regional and/or sub-regional catch rates of the relevant shark species or management group(s), to date, based on dealer or other reports.

(6) When the overall, regional, and/or sub-regional fishery for a shark species and/or management group is closed, a fishing vessel, issued a Federal Atlantic commercial shark permit pursuant to § 635.4, may not possess, retain, land, or sell a shark of that species and/or management group that was caught within the closed region or sub-region, except under the conditions specified in § 635.22(a) and (c) or if the vessel possesses a valid shark research permit under § 635.32, a NMFS-approved observer is onboard, and the sandbar and/or Research LCS fishery, as applicable, is open. A shark dealer, issued a permit pursuant to § 635.4, may not purchase or receive a shark of that species and/or management group that was caught within the closed region or sub-region from a vessel issued a Federal Atlantic commercial shark permit, except that a permitted shark dealer or processor may possess sharks that were caught in the closed region or sub-region that were harvested, off-loaded, and sold, traded, or bartered, prior to the effective date of the closure and were held in storage. Under a closure for a shark species or management group, a shark dealer, issued a permit pursuant to § 635.4 may, in accordance with State regulations, purchase or receive a shark of that species or management group if the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel that fishes only in State waters and that has not been issued a Federal Atlantic commercial shark permit, HMS Angling permit, or HMS Charter/Headboat permit pursuant to § 635.4. Additionally, under an overall, a regional, or a sub-regional closure for a shark species and/or management group, a shark dealer, issued a permit pursuant to § 635.4, may purchase or receive a shark of that species group if the sandbar or Research LCS fishery, as applicable, is open and the shark was harvested, off-loaded, and sold, traded, or bartered from a vessel issued a valid shark research permit (per § 635.32) that had a NMFS-approved observer on board during the trip the shark was collected.

(7) If the Atlantic Tunas Longline category quota is closed as specified in paragraph (a)(4) of this section, vessels that have pelagic longline gear on board cannot possess, retain, land, or sell sharks.

* * * * *

■ 7. In § 635.31, revise paragraphs (c)(1) and (4) to read as follows:

§ 635.31 Restrictions on sale and purchase.

* * * * *

(c) * * *

(1) Persons that own or operate a vessel that possesses, retains, or lands a shark from the management unit may sell such shark only if the vessel has a valid commercial shark permit issued under this part. Persons may possess, retain, land, and sell a shark only to a federally-permitted dealer and only when the fishery for that species, management group, region, and/or sub-region has not been closed, as specified in § 635.28(b). Persons that own or operate a vessel that has pelagic longline gear onboard can possess, retain, land, and sell a shark only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a).

* * * * *

(4) Only dealers who have a valid Federal Atlantic shark dealer permit and who have submitted reports to NMFS according to reporting requirements of § 635.5(b)(1)(ii) may first receive a shark from an owner or operator of a vessel that has, or is required to have, a valid Federal Atlantic commercial shark permit issued under this part. Dealers may purchase a shark only from an owner or operator of a vessel who has a valid commercial shark permit issued under this part, except that dealers may purchase a shark from an owner or operator of a vessel who does not have a Federal Atlantic commercial shark permit if that vessel fishes exclusively in state waters and does not possess a HMS Angling permit or HMS Charter/Headboat permit pursuant to § 635.4. Atlantic shark dealers may purchase a sandbar shark only from an owner or operator of a vessel who has a valid shark research permit and who had a NMFS-approved observer onboard the vessel for the trip in which the sandbar shark was collected. Atlantic shark dealers may purchase a shark from an owner or operator of a fishing vessel who has a valid commercial shark permit issued under this part only when the fishery for that species, management group, region, and/or sub-region has not been closed, as specified in § 635.28(b). Atlantic shark dealers may first receive a shark from a vessel that has pelagic longline gear onboard only if the Atlantic Tunas Longline category has not been closed, as specified in § 635.28(a).

* * * * *

■ 8. In § 635.34, revise paragraphs (a) and (b) to read as follows:

§ 635.34 Adjustment of management measures.

(a) NMFS may adjust the IBQ shares or resultant allocations for bluefin tuna, as specified in § 635.15; catch limits for bluefin tuna, as specified in § 635.23; the overall, regional, and/or sub-regional quotas for bluefin tuna, sharks, swordfish, and northern albacore tuna as specified in § 635.27; the retention limits for sharks, as specified at § 635.24; the regional retention limits for Swordfish General Commercial permit holders, as specified at § 635.24; the marlin landing limit, as specified in § 635.27(d); and the minimum sizes for Atlantic blue marlin, white marlin, and roundscale spearfish as specified in § 635.20.

(b) In accordance with the framework procedures in the 2006 Consolidated HMS FMP, NMFS may establish or modify for species or species groups of Atlantic HMS the following management measures: Maximum sustainable yield or optimum yield based on the latest stock assessment or updates in the SAFE report; domestic quotas; recreational and commercial retention limits, including target catch requirements; size limits; fishing years or fishing seasons; shark fishing regions, or regional and/or sub-regional quotas; species in the management unit and the specification of the species groups to which they belong; species in the prohibited shark species group; classification system within shark species groups; permitting and reporting requirements; workshop requirements; the IBQ shares or resultant allocations for bluefin tuna; administration of the IBQ program (including but not limited to requirements pertaining to leasing of IBQ allocations, regional or minimum IBQ share requirements, IBQ share caps (individual or by category), permanent sale of shares, NED IBQ rules, etc.); time/area restrictions; allocations among user groups; gear prohibitions, modifications, or use restriction; effort restrictions; observer coverage requirements; EM requirements; essential fish habitat; and actions to implement ICCAT recommendations, as appropriate.

* * * * *

■ 9. In § 635.71, revise paragraphs (d)(3) and (4) to read as follows:

§ 635.71 Prohibitions.

* * * * *

(d) * * *

(3) Retain, possess, or land a shark of a species or management group when the fishery for that species, management group, region, and/or sub-region is closed, as specified in § 635.28(b).

(4) Sell or purchase a shark of a species or management group when the fishery for that species, management group, region, and/or sub-region is closed, as specified in § 635.28(b).

* * * * *

■ 10. In appendix A to part 635, revise Section B of Table 1 to read as follows:

Appendix A to Part 635—Species Tables

TABLE 1 OF APPENDIX A TO PART 635—OCEANIC SHARKS

*	*	*	*	*
B. Small Coastal Sharks				
Atlantic and Gulf of Mexico Atlantic sharpnose, *Rhizoprionodon terraenovae*				
Atlantic and Gulf of Mexico blacknose, *Carcharhinus acronotus*				
Atlantic and Gulf of Mexico bonnethead, *Sphyrna tiburo*				
Finetooth, *Carcharhinus isodon*				
*	*	*	*	*

[FR Doc. 2015–19914 Filed 8–17–15; 8:45 am]

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Fishery	Authorized gear types
10. Squid, all spp. except market squid or not otherwise prohibited, and Octopus Fisheries (Non-FMP):	
A. Commercial	A. Hook and line, pot/trap, dip net, seine, trawl, set net, spear, hand harvest.
B. Recreational Squid North of 42° N. lat	B. Hook and line, cast net, dip net, hand harvest.
C. Recreational Octopus North of 42° N. lat	C. Hook and line, pot/trap, dip net, hand harvest.
D. Recreational South of 42° N. lat	D. Hook and line, dip net, hand harvest.
11. White Sturgeon Fisheries (Non-FMP):	
A. Commercial South of 46°15′ N. lat. and North of 42° N. lat	A. Trawl, pot/trap, hook and line, seine, dip net, spear.
B. Recreational North of 42° N. lat	B. Hook and line.
C. Recreational South of 42° N. lat	C. Hook and line, spear.
12. Sea Cucumber Fishery (Non-FMP):	
A. Commercial hand harvest fishery South of 46°15′ N. lat	A. Hand harvest.
B. Commercial trawl South of 42° N. lat	B. Trawl.
13. Minor Finfish Commercial Fisheries South of 46°15′ N. lat. and North of 42° N. lat. for: Salmon shark, Pacific pomfret, slender sole, wolf-eel, eelpout species, Pacific sandfish, skilfish, and walleye pollock Fisheries (Non-FMP).	Trawl, pot/trap, hook and line, seine, dipnet, spear.
14. Weathervane Scallop Commercial Fishery South of 46°15′ N. lat. and North of 42° N. lat. (Non-FMP).	Trawl.
15. California Halibut, White Seabass Commercial Fisheries South of 42° N. lat. (Non-FMP):	
A. California halibut trawl	A. Trawl.
B. California halibut and white seabass set net	B. Gillnet, trammel net.
C. California halibut hook and line	C. Hook and line.
D. White seabass hook and line	D. Hook and line.
16. California Barracuda, White Seabass, and Yellowtail Drift-Net Commercial Fishery South of 42° N. lat. (Non-FMP).	Gillnet.
17. Pacific Bonito Commercial Net Fishery South of 42° N. lat. (Non-FMP).	Purse seine.
18. Lobster Commercial Pot and Trap Fishery South of 42° N. lat. (Non-FMP).	Pot/trap.
19. Finfish and Invertebrate Fisheries Not Listed Above and Not Otherwise Prohibited (Non-FMP):	
A. Commercial South of 46°15′ N. lat	A. Hook and line, pot/trap, spear.
B. Recreational	B. Hook and line, spear, pot/trap, dip net, cast net, hand harvest, rake, harpoon, bow and arrow.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 110819516–4534–01]

RIN 0648–BB02

Atlantic Highly Migratory Species; Smoothhound Shark and Atlantic Shark Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule to implement draft Amendment 9 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP) considers management measures in the smoothhound and shark fisheries. In addition to the measures in draft Amendment 9, this rulemaking would establish an effective date for previously-adopted shark management measures finalized in Amendment 3 to the 2006 Consolidated HMS FMP (Amendment 3) and the 2011 HMS Trawl Rule that were delayed, and proposes to increase the smoothhound shark annual quota that was finalized in Amendment 3, using updated landings data. It also proposes to implement the smoothhound shark-specific requirements of the 2012 Shark Biological Opinion (BiOp), and considers modifying current regulations related to the use of Vessel Monitoring Systems (VMS) by Atlantic shark fishermen using gillnet gear. For purposes of this rulemaking, the term ''smoothhound sharks'' collectively refers to smooth dogfish (*Mustelus canis*), Florida smoothhound (*M. norrisi*), Gulf smoothhound (*M. sinusmexicanus*), small eye smoothhound (*M. higmani*), and any other *Mustelus* spp. that might be found in U.S. waters of the Atlantic, Gulf of Mexico, and Caribbean, collectively. Finally, this action considers the implementation of the smooth dogfish-specific provisions in the Shark Conservation Act of 2010 (the ''SCA''). The SCA requires that all sharks landed from federal waters in the United States be landed with their fins naturally attached to the carcass, but includes a limited exception for smooth dogfish. Throughout this document, the term ''fins'' includes both the tail and the fins of the shark. For the federal Atlantic shark fisheries, current HMS regulations require federally-permitted shark fishermen to land all sharks with fins naturally attached to the carcass. The SCA's fins-attached requirement is being addressed nationwide through a separate ongoing rulemaking. Thus, regarding the SCA, this rulemaking addresses only the provision that allows fin removal at sea of Atlantic smooth dogfish.

DATES: Written comments must be received on or before November 14, 2014. NMFS will announce the dates

and locations of public hearings in a future **Federal Register** document.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2014–0100, by any one of the following methods:

• *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0100,* click the ''Comment Now'' icon, complete the required fields, and enter or attach your comments.

• *Mail:* Submit written comments to Margo Schulze-Haugen, NMFS/SF1, 1315 East-West Highway, National Marine Fisheries Service, SSMC3, Silver Spring, MD 20910.

Instructions: Please include the identifier NOAA–NMFS–2014–0100 when submitting comments. Comments sent by any other method, to any other address or individual, or received after the close of the comment period, may not be considered by NMFS. All comments received are a part of the public record and generally will be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), 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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only. Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Atlantic Highly Migratory Species Management Division by email to *OIRA_Submission@omb.eop.gov,* or fax to 202–395–7285.

Copies of the supporting documents—including the draft Environmental Assessment (EA), Regulatory Impact Review (RIR), Initial Regulatory Flexibility Analysis (IRFA), and the 2006 Consolidated Atlantic HMS FMP are available from the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/* or by contacting Steve Durkee at 202–670–6637.

FOR FURTHER INFORMATION CONTACT: LeAnn Hogan or Karyl Brewster-Geisz by phone: 301–427–8503 or Steve Durkee by phone: 202–670–6637, or by fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: Atlantic sharks, including smoothhound sharks, are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and the authority to issue regulations has been delegated from the Secretary to the Assistant Administrator (AA) for Fisheries, NOAA. On October 2, 2006, NMFS published in the **Federal Register** (71 FR 58058) final regulations, effective November 1, 2006, implementing the 2006 Consolidated HMS FMP, which details management measures for Atlantic HMS fisheries. The implementing regulations for the 2006 Consolidated HMS FMP and its amendments are at 50 CFR part 635. This proposed rule addresses implementation of Amendment 9 to the 2006 Consolidated HMS FMP.

Except for restrictions on finning, smoothhound sharks were not managed by the Federal government before 2010. In the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks (1999 FMP), NMFS included smoothhound sharks in a Federal fishery management unit that included deep water and other sharks to prevent finning of all of these species. These species of smoothhound sharks were removed from the fishery management unit in the 2003 when NMFS amended the 1999 FMP in Amendment 1, since these sharks became protected from finning under the Shark Finning Prohibition Act (67 FR 6124, February 11, 2002). In 2008, the Atlantic States Marine Fisheries Commission (ASMFC) adopted management measures for smoothhound sharks in state waters; the ASMFC measures became effective in January 2010.

In 2010, through Amendment 3, NMFS determined that smoothhound sharks were in need of federal conservation and management measures. NMFS included smoothhound sharks within the HMS-managed stocks because of the wide geographic distribution and range of smoothhound sharks and because NMFS has management authority over HMS, including ''oceanic sharks,'' under the Magnuson-Stevens Act. Details about NMFS' authority and decision to manage smoothhound sharks can be found in the Final Environmental Impact Statement (EIS) for Amendment 3. At that time, ''smoothhound sharks'' referred to a species complex consisting of smooth dogfish and Florida smoothhounds (75 FR 30484, June 1, 2010). The final rule implementing Amendment 3 published in June 2010 and delayed the effective date of the smoothhound shark management measures until approximately 2012, pending approval for the data collection under the Paperwork Reduction Act (PRA) by the Office of Management and Budget (OMB). NMFS delayed the effective date also to provide time to implement a permit requirement, for NMFS to complete a BiOp under section 7 of the ESA, and for affected fishermen to change business practices, particularly as they related to keeping the fins attached to the carcass through offloading (June 1, 2010, 75 FR 30484). OMB approved the PRA data collection in May of 2011, and NMFS met informally with smoothhound shark fishermen along the east coast in the fall of 2010.

In January 2011, the President signed the SCA (Pub. L. 111–348). This legislation requires that all sharks, except for smooth dogfish (*Mustelus canis*), landed from federal waters in the United States be landed with their fins and tail naturally attached to the carcass. It included, however, a limited exception for smooth dogfish (*Mustelus canis*), stating that the amendments made by the SCA do not apply to an ''individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.'' Public Law 111–348, section 103(b)(1). Throughout this document, the term ''fins'' includes both the tail and the fins of the shark.

Also, in 2011, NMFS published a final rule regarding trawl gear (August 10, 2011, 76 FR 49368). The HMS trawl rule, among other things, allowed for the retention of smoothhound sharks caught incidentally with trawl gear, provided that total smoothhound shark catch on board or offloaded does not exceed 25 percent of the total catch by weight.

In November 2011, NMFS published a final rule (76 FR 70064, November 10, 2011) that delayed the effective date for all smoothhound shark management measures in both Amendment 3 and the 2011 trawl rule indefinitely to provide time for NMFS to consider the smooth dogfish-specific provisions in the SCA, and for NMFS to finalize a Biological Opinion on the federal actions in Amendment 3, among other things.

Since that time, the 2012 Atlantic Shark Biological Opinion (2012 Shark

BiOp) on Federal actions in Amendment 3 has been completed. Except for consideration of the smooth dogfish-specific measures in the SCA, all reasons for delaying implementation of Amendment 3 and the 2011 HMS trawl gear rule have been addressed and completed. Thus, NMFS is ready to make effective previously-finalized smoothhound shark measures from Amendment 3 and the 2011 HMS trawl gear rule. In addition, new landings information and data about the smoothhound shark fishery has become available. Draft Amendment 9 considers that new information and data, and considers resulting adjustments to the quota based on that information, as well as considering implementation of smooth dogfish-specific provisions of the SCA. Draft Amendment 9 is amending the HMS FMP because of the significant modification to the Atlantic smoothhound shark quota based upon updated landings information.

During the development of Amendment 3 in 2009, molecular and morphological research indicated that Florida smoothhound (*Mustelus norrisi*) had been historically misclassified as a separate species from smooth dogfish (*M. canis*). Additionally, the Southeast Fisheries Science Center (SEFSC) advised that there were insufficient data at the time to separate smooth dogfish and Florida smoothhound into two separate species, and that they should be treated as a single stock until scientific evidence indicated otherwise. Accordingly, in Amendment 3, NMFS decided to manage both Florida smoothhound sharks and smooth dogfish together as ''smoothhound sharks'' because of this taxonomic correction and based upon SEFSC advice. Since the finalization of Amendment 3 in 2010, additional scientific information has become available from the SEFSC regarding species identification of smoothhound sharks. This updated scientific data shows that *M. norrisi* (Florida smoothhound), *M. canis* (smooth dogfish) and *M. sinusmexicanus* (Gulf smoothhound) are separate species, and that there may be additional smoothhound species in the Gulf of Mexico.

The majority of the landings in the commercial smoothhound fishery currently occur in the mid-Atlantic region. Scientific evidence indicates that smooth dogfish are almost exclusively the species found in this area and along the coast throughout the Atlantic region; however, there have been a very limited number of Florida smoothhounds reported off of southern Florida. In the Gulf of Mexico region, all three *Mustelus* species are commonly found off Florida in the Gulf of Mexico. The best available scientific information collected for the upcoming SEDAR 39 stock assessment for smoothhound sharks indicates that smooth dogfish are likely the only smoothhound shark species found along the Atlantic coast. In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to distinguish among them. For more information, see Draft EA for Amendment 9.

Identification between these species is difficult, and all three species' ranges overlap in the Gulf of Mexico. The most commonly used macroscopically visible external characteristics, such as dermal denticle and labial furrow differences, cannot be reliably used for species identification. Some limited success has been achieved by using other external characteristics, such as hyomandibular pore distribution, but misidentification is still common, especially for juvenile specimens. Data examined for the ongoing SEDAR 39 smoothhound stock assessment found that during shark surveys, Florida smoothhound was only correctly identified 40 percent of the time and Gulf smoothhound was only correctly identified 64 percent of the time, with the greatest identification difficulty occurring between Gulf smoothhound and smooth dogfish. Thus, it is unlikely that shark fishermen and enforcement officers would be able to tell these three species of smoothhound sharks apart without genetic analyses to differentiate between the three species. For more information, see Draft EA for Amendment 9.

Because of the overlap in range between the different species and the extreme difficulty in distinguishing among the three species, NMFS will continue to group all the smoothhound species (all *Mustelus* species within the U.S. EEZ of the Atlantic, Gulf of Mexico, and Caribbean) together within the term ''smoothhound sharks'' for management purposes and will manage them as a complex. As a result, this proposed rule expands the definition of smoothhound sharks that NMFS previously adopted in Amendment 3 to an inclusive reference to *Mustelus* species. The SCA, however, explicitly limits the fin-removal exception to commercial fishing for smooth dogfish, identifying the species by scientific name. Given the above issues, NMFS examines two alternatives for applying the exception for smooth dogfish: one that applies the exception along the Atlantic Coast and the Florida Coast in the Gulf of Mexico, and a second that would apply the exception along the Atlantic Coast but not the Florida Coast in the Gulf of Mexico. Given the challenges posed by correctly identifying different smoothhound shark species, the specificity of the SCA's application, and the presence of multiple smoothhound shark species in the Gulf of Mexico, NMFS is requesting public comment on alternatives for implementing and enforcing the SCA smooth dogfish exception.

In addition to proposing to implement exceptions found in the SCA that specifically apply to smooth dogfish, this rule would also establish an effective date for previously-adopted shark management measures finalized in Amendment 3 (June 1, 2010, 75 FR 30483) and the 2011 HMS trawl rule (August 10, 2011; 76 FR 49368). These measures include increasing the previously-adopted commercial quota for smoothhound sharks based on updated scientific information and data, implementing limited exceptions from certain provisions of the SCA that specifically apply to smooth dogfish, implementing Term and Condition 4 of the 2012 Shark BiOp, which required either net checks or soak time restrictions in the Atlantic shark gillnet fisheries, and reducing the VMS requirements for shark gillnet fishermen.

NMFS prepared a draft EA, RIR, and an IRFA, which present and analyze anticipated environmental, social, and economic impacts of each alternative contained in this proposed rule. A summary of the alternatives considered and related analyses are provided below. The complete list of alternatives and related analyses are provided in the draft EA/RIR/IRFA. A copy of the draft EA/RIR/IRFA prepared for this proposed rule is available from NMFS (see **ADDRESSES**).

Establishing an Effective Date for Previously-Adopted Shark Management Measures Finalized in Amendment 3 to the 2006 Consolidated HMS FMP and in the 2011 HMS Trawl Rule

Amendment 3 finalized certain conservation and management measures for smoothhound sharks. As described above, implementation of these measures was delayed indefinitely. This action will implement an effective date for the previously-delayed Amendment 3 management measures for smoothhound sharks, including:

- A research set-aside quota;
- An accountability measure (AM), which closes the fishery when smoothhound shark landings reach, or are expected to reach, 80 percent of the quota;
- A requirement for a dealer permit to purchase smoothhound sharks;

- A requirement for dealers to report smoothhound shark purchases;
- A smoothhound permit requirement for commercial and recreational fishing and retention;
- A requirement for vessels fishing for smoothhound sharks to carry an observer, if NMFS selects them;
- A requirement for vessels fishing for smoothhound sharks to comply with applicable Take Reduction Plans pursuant to the Marine Mammal Protection Act; and
- A requirement for commercial vessels to sell catch only to federally-permitted shark dealers.

In addition, this action addresses an effective date for the smoothhound shark management measures in the 2011 HMS trawl rule published on August 10, 2011 (76 FR 49368). As described above, the HMS trawl rule allowed, among other things, for the retention of smoothhound sharks caught incidentally with trawl gear, provided that total smoothhound shark catch on board or offloaded does not exceed 25 percent of the total catch by weight.

FMP Amendment Adjusting the Quota for the Smoothhound Shark Fishery

When Amendment 3 was finalized, smoothhound shark data was available through 2007, although there was no stock assessment for the species. Updated information is now available—in some cases as recently as 2013—although data on the number of participants, total catch, fishing techniques, spatial and temporal availability, etc., are still incomplete because of the lack of mandatory reporting requirements for this shark species. Data can be expected to improve in the future with implementation of the previously-delayed Amendment 3 requirements for a Federal permit, dealer reporting, and observer coverage as well as completion of the current smoothhound shark stock assessment. As stated in Amendment 3, NMFS' goal has been to characterize and collect data on the smoothhound fishery while minimizing changes in the fishery until it can be better assessed and additional management measures can be developed. Thus, as described in the final rule for Amendment 3, NMFS established a smoothhound shark quota using the best data available at that time equal to the highest reported annual landings between 1998 and 2007, plus two standard deviations in order to account for any underreporting due to the lack of smoothhound shark reporting requirements and to follow advice from the Northeast and Southeast Fisheries Science Centers (June 1, 2010, 75 FR 30484).

Since publishing Amendment 3, NMFS has received updated reported landings data from the Atlantic Coastal Cooperative Statistics Program (ACCSP) that warrants adjusting the quota established in Amendment 3, using the same methodology presented in Amendment 3 but with the new data. This quota adjustment would be done through an amendment to the 2006 Consolidated HMS FMP. Additionally, NMFS has begun conducting a smoothhound shark stock assessment (79 FR 17509, March 28, 2014; 79 FR 23327, April 28, 2014). In this action, NMFS analyzes quota alternatives ranging from the status quo (the quota calculated in Amendment 3) to adjusting the quota based on updated landings information to establishing the quota based on quota scenarios that could result from the ongoing stock assessment. Additional environmental analyses and regulatory action may be considered if warranted by the stock assessment outcomes, or depending on the magnitude of any resultant changes in management approaches. Landings from both the directed and incidental smoothhound shark fisheries would count against the adopted quota.

The preferred alternative in this proposed rule would establish a smoothhound quota of 1,739.9 mt dw, which is equal to the maximum annual landings from the 10 most recent years available at this time (i.e., 2004–2013) plus two standard deviations. The quota alternative that was finalized in Amendment 3 was selected because NMFS, with guidance from the NEFSC and SEFSC, determined that adding two standard deviations to the maximum annual landings was the best way to account for any underreporting in the fishery while minimizing changes in catch levels and catch rates in the smoothhound shark fishery. While the quota under the current preferred alternative is higher than the quota calculated in Amendment 3, it caps the quota at a level that reflects the current operation of the smoothhound shark fishery without allowing the quota to increase in the future if reported landings increase. As stated when establishing this methodology in Amendment 3, since landings data could be underestimated due to underreporting, setting the quota above current reported landings levels should allow the fishery to continue at current levels, minimizing changes to the fishery while collecting information on catch and participants.

In the short-term, this preferred alternative is expected to have neutral direct ecological impacts on the smoothhound stock, as the quota-setting approach was designed to bring the species under Federal management while minimizing immediate changes in the fishery. The preferred alternative could have long-term direct minor adverse ecological impacts due to a potential for increased landings of smoothhound compared to other alternatives with lower quotas. In the preferred alternative, allowable effort and landings would be higher than the quota set under Amendment 3; however, the allowable landings would more accurately represent current fishing activity and would be constrained with a cap that prevents future growth of the fishery. Implementing such a cap on landings would help ensure that the smoothhound stock is maintained at a healthy level. This preferred alternative appropriately adjusts the Amendment 3 quota and remains within the intended outcome of the range of alternatives considered in the Amendment 3 rulemaking. The intent of Amendment 3 was to minimize changes in catch levels and catch rates in the fishery to allow for the collection of catch and participant information pending completion of a stock assessment to guide Federal management. A smoothhound shark stock assessment is currently being conducted. NMFS believes it is imperative to bring smoothhound sharks under Federal management as quickly as possible, particularly given that time has passed since Amendment 3 was first published. Although a smoothhound shark stock assessment is currently underway, NMFS is proceeding with developing a quota based on landings history to avoid any further delays in federally managing this stock. As explained below, this rulemaking considers another alternative that would further adjust the quota(s) if necessary based on this stock assessment if it is available before publication of the final rule.

The preferred smoothhound quota alternative would result in potential annual revenues in the entire fishery of $3,016,460 (3,835,784 lb. of meat, 460,294 lb. of fins) assuming an ex-vessel price of $1.72 lb. for fins and $0.58 for meat. Setting the quota at current landings levels with room for presumed underreporting should allow the fishery to continue throughout the year, rather than be closed for part of the year, allowing NMFS to collect year-long information that can be used in future stock assessments. NMFS anticipates direct moderate, beneficial short- and long-term socioeconomic impacts with implementing a quota based on maximum reported recent

annual landings plus two standard deviations to allow for a buffer for potential unreported landings during that time to reflect actual landings. This would allow the fishery to continue at the landings rate and level reported in recent years. Under this alternative, NMFS anticipates the fishery would operate as it currently does, resulting in indirect, moderate beneficial socioeconomic impacts in the short- and long-term for shark dealers and processors. The preferred alternative accounts for recent trends in the fishery and the best available landings data as recalculated and reported by ACCSP, reflects recent behavior in the fishery, and provides an appropriate buffer to account for underreporting in the fishery. Additionally, providing a maximum cap on the fishery would allow fishermen, dealers, and processors to make better business decisions based on a more predictable yield (assuming that the fishery is fished to near-full capacity each year).

NMFS is also considering three other quota alternatives that are not preferred at this time. The first would not adjust the commercial smoothhound shark quota, and would instead implement the quota as calculated in Amendment 3. This alternative is not preferred because it does not use the best available information and would result in premature fishery closures, inconsistent with the objectives in Amendment 3 and in this Amendment, which are to bring smoothhound sharks within Federal management, collect data to improve future management measures, and minimize changes to the fishery in the meantime. The second alternative considers a rolling quota that would recalculate the quota each year based on the previous 5 years of available landings data. This rolling quota alternative was not preferred because the quota could grow, expanding the fishery without limit, which could lead to unsustainable fishing levels. The third quota alternative would implement a TAC and smoothhound shark quota(s) consistent with the results of the 2014 smoothhound shark stock assessment if the results become available before publication of the final rule for this action. This alternative is based on a possible range of quota recommendations that reasonably could be expected to result from the assessment. The potential range of quota recommendations from the assessment are quota(s): (1) Equal to approximately one-half the Amendment 3 quota (357.8 mt dw); (2) approximately equal to the Amendment 3 quota; (3) half way in between Amendment 3 and the proposed quota, or 1,227.7 mt dw; and (4) larger than Amendment 3, approximately equal to or greater than the quota under preferred alternative (1,739.9 mt dw). Because the stock assessment is not yet final and it is unknown if it will be available before the final rule for this action publishes, NMFS does not prefer this alternative at this time. Additional environmental analyses and regulatory action may be considered, if warranted by the stock assessment outcomes or depending on the magnitude of any resultant changes in management approaches.

Implementation of the Smooth Dogfish-Specific Provisions of the Shark Conservation Act of 2010

The SCA amended the Magnuson-Stevens Act to provide greater protection from illegal ''finning'' of sharks. Shark finning is the practice of taking a shark, removing a fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea. Among the provisions in subsection 103(a) of the SCA is a requirement that all sharks landed from federal waters in the United States be maintained with the fins naturally-attached to the carcass through offloading. Subsection (b), however, provides the following exception: ''The amendments made by subsection (a) do not apply to an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*) in that area of the waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of a State from which the territorial sea is measured, if the individual holds a valid State commercial fishing license, unless the total weight of smooth dogfish fins landed or found on board a vessel to which this subsection applies exceeds 12 percent of the total weight of smooth dogfish carcasses landed or found on board.'' The SCA provides that ''State'' has the same meaning as in section 803 of Public Law 103–206 (16 U.S.C. 5102), which refers to ''Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, or the Potomac River Fisheries Commission.'' To implement the exception, this proposed rule considers three issues: Catch composition, state permit requirements, and geographic applicability of the exception—and explores alternatives for each issue. If a federally-permitted shark fisherman does not qualify for this exception under the SCA, he will be required to land smooth dogfish with the fins naturally attached. Note that although several Atlantic coast states have laws addressing shark fins, those state laws as of the date of this proposed rule provide an exception for smooth dogfish, and so present no conflict with the SCA as applied to smooth dogfish, whether or not the SCA exception applies.

NMFS considered four Catch Composition sub-alternatives to address the SCA text regarding ''an individual engaged in commercial fishing for smooth dogfish (*Mustelus canis*).'' Because the SCA specifies that the exception applies when an individual is fishing ''for'' smooth dogfish as opposed to fishing ''for'' other species and incidentally catching smooth dogfish or simply ''when fishing,'' the proposed rule examines alternatives that limit the exception to those fishing for smooth dogfish, i.e., fishing with the object of commercially harvesting smooth dogfish.

Under the preferred sub-alternative, smoothhound sharks must make up 75 percent of the retained catch on board a vessel to constitute a trip fishing ''for'' smooth dogfish. Implementing a target catch requirement of 75 percent smooth dogfish would preclude fishermen on trips for other species but who incidentally catch smooth dogfish from removing smooth dogfish fins at sea. Only those fishermen fishing for smooth dogfish as defined by this rulemaking would be allowed to remove the fins of the species while at sea. Under this preferred sub-alternative, no sharks other than smooth dogfish could be retained when smooth dogfish fins are removed at sea. This requirement would ensure that no other shark species are on board with fins removed, ensuring consistency with other provisions of the SCA. This sub-alternative would likely have direct short- and long-term minor beneficial impacts. Indirect ecological impacts to species caught with smooth dogfish would likely both be neutral in the short- and long-term, because fishing effort or rates are not expected to change under this sub-alternative. The only changes that would occur under this sub-alternative would be in fisheries for other species that incidentally catch smooth dogfish. Fishermen in these incidental fisheries do not plan trips around smooth dogfish; rather, they engage in fishing operations based on the target species availability and market. Therefore, a prohibition on at-sea fin removal of smooth dogfish fins in the incidental fishery would not be expected to alter effort. Indirect impacts are generally positively correlated with effort. Effort

would not likely be affected, and indirect impacts would be neutral. Since this sub-alternative would be unlikely to have adverse ecological impacts and provides some flexibility in retained catch, NMFS prefers this sub-alternative at this time.

Because some fishermen catch smooth dogfish while fishing for other species, the preferred catch composition sub-alternative is likely to have short- and long-term direct, minor, adverse socioeconomic impacts since it would reduce flexibility in which species may be retained, though not to the extent that other alternatives would. The number of mixed species trips where fishermen could take advantage of the fins-attached exception would decrease. However, this sub-alternative provides more flexibility than other sub-alternatives, specifically the sub-alternative that examines a 100-percent smooth dogfish catch composition requirement for the exception to apply. For these reasons, NMFS prefers this sub-alternative at this time.

NMFS also considered three other catch composition sub-alternatives. The first would not implement any catch composition requirement, allowing the fins of smooth dogfish to be removed at sea regardless of the composition of the rest of the catch, provided no other sharks are retained. This measure was not preferred because it would not limit the at-sea processing allowance to ''fishing for smooth dogfish,'' consistent with the SCA. Second, NMFS considered a 25-percent smooth dogfish catch composition for at-sea processing, which would allow some fishermen who are fishing for species other than smooth dogfish and catching smooth dogfish incidental to those fishing activities to use the limited exception. This measure was not preferred because it would not limit the at-sea processing allowance to individuals ''fishing for smooth dogfish,'' consistent with the SCA. Third, NMFS considered a 100-percent smooth dogfish catch composition for at-sea processing. Although this sub-alternative would even more narrowly limit the fins-attached exception to fishermen only ''fishing for smooth dogfish,'' consistent with the SCA, it would remove all flexibility in retained catch on board vessels that remove smooth dogfish fins at sea, possibly increasing dead discards without providing any clear benefits beyond the preferred sub-alternative. For this reason, NMFS does not prefer that sub-alternative at this time.

NMFS considered two State Fishing Permit sub-alternatives to address text in the SCA exception regarding ''if the individual holds a valid State commercial fishing license.'' The preferred sub-alternative would require federally-permitted smooth dogfish fishermen to possess a State commercial fishing license that allows fishing for smooth dogfish in order to be able to remove smooth dogfish fins at sea. A ''valid state commercial fishing license'' would be any state license that allows the individual to engage in commercial fishing for smooth dogfish, whether it is dogfish-specific or a general shark permit or a general commercial fishing permit. This sub-alternative recognizes variations in state fishing permit processes that allow commercial fishing for smooth dogfish.

NMFS is also examining a sub-alternative based on a more narrow application of the exception. The language in the smooth dogfish-specific provision of the SCA states that it applies to an ''individual engaged in commercial fishing for smooth dogfish . . . if the individual holds a valid State commercial fishing license.'' Sub-alternative 2 would interpret this more narrowly to mean that the individual has a smoothhound-specific State commercial fishing license, since the exception applies only to ''individuals engaged in commercial fishing 'for' smooth dogfish.''' By requiring a smooth dogfish-specific permit and not a general state commercial license, NMFS would be further ensuring that the individual is one ''engaged in commercial fishing for smooth dogfish,'' which NMFS interprets as narrowing the limited at-sea fin removal allowance only to those fishing for smooth dogfish. Requiring a smooth dogfish-specific State fishing permit would likely lead to direct and indirect short and long-term neutral ecological impacts since this sub-alternative would not increase fishing effort. Because not all states have smooth dogfish-specific permits, NMFS does not prefer this alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

NMFS considered two alternatives for Geographic Application of the SCA exception: Applying the exception along the Atlantic Coast and the Florida Coast in the Gulf of Mexico, and applying the exception only along the Atlantic Coast. As explained earlier, as a practical matter, smooth dogfish and other smoothhound species are essentially indistinguishable in the field, and while the Atlantic population is entirely smooth dogfish but for the occasional Florida smoothhound, the Gulf of Mexico population includes all three species. The best available scientific information indicates smooth dogfish are the predominant smoothhound species along the Atlantic coast (only a handful of Florida smoothhound have ever been recorded in the Atlantic, and those have been near southern Florida). In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to readily distinguish among them. The non-preferred sub- alternative would apply the smooth dogfish exception 50 nautical miles from the baseline of all the States that fall under the SCA definition of ''State,'' including the west coast of Florida in the Gulf of Mexico. This sub-alternative could result in smoothhound sharks other than smooth dogfish indirectly falling under the exception, because they cannot be distinguished from smooth dogfish, which would violate the specific requirements of the SCA and pose enforcement difficulties. The preferred sub-alternative would apply the exception only along the Atlantic Coast where the population is almost entirely smooth dogfish, but not in the Gulf of Mexico—even on the Florida Coast. By limiting the exception to the Atlantic region, as specified at § 635.27(b)(1), this sub-alternative would ensure that the exception would only apply where the population is almost entirely smooth dogfish, reducing identification problems and inadvertent finning violations. NMFS expects neutral direct and indirect short- and long-term ecological impacts because, at this time, there is no commercial fishery for smooth dogfish in the Gulf of Mexico. For the same reason, NMFS expects neutral direct and indirect short- and long-term socioeconomic impacts. NMFS prefers this sub-alternative at this time because it simplifies enforcement and compliance without adverse impacts.

Implementation of the 2012 Shark Biological Opinion

On December 12, 2012, following consultation under section 7(a)(2) of the Endangered Species Act (ESA), NMFS determined that the continued operation of the Atlantic shark and smoothhound shark fisheries is not likely to jeopardize the continued existence of Atlantic sturgeon, smalltooth sawfish, or any species of ESA-listed large whale or sea turtles. In order to avoid take prohibited by Section 9 of the ESA, NMFS must comply with the Reasonable and Prudent Measures (RPMs) and the Terms and Conditions (TCs) in the 2012 Shark BiOp. NMFS has reviewed the 2012 Shark BiOp and associated TCs and has determined that the current

regulations meet the specifications of all the TCs except for TC 4, which requires either net checks or soak time restrictions in the Atlantic shark gillnet fisheries. Therefore, this rulemaking considers measures that would ensure the Atlantic shark gillnet fisheries operate consistent with TC 4 in the 2012 Shark BiOp.

NMFS proposes to establish a soak time limit of 24 hours for fishermen using sink gillnet gear and a 2-hour net check requirement for fishermen using drift gillnet gear in the Atlantic shark and smoothhound shark fisheries. Drift gillnets would be defined as those that are unattached to the ocean bottom with a float line at the surface, and sink gillnet gear would be defined as those with a weight line that sinks to the ocean bottom, has a submerged float line, and is designed to be fished on or near the bottom. Most smoothhound shark gillnet fishermen would be required to limit soak times to 24 hours, since they primarily use sink gillnet gear. This requirement would not significantly change smoothhound shark fishing practices. With regard to other Atlantic shark fishermen, fishermen who use sink gillnet gear would be required to limit soak times to 24 hours and those that use drift gillnets would be required to perform net checks at least every 2 hours. Currently, all Atlantic shark fishermen that use gillnet gear to fish for or who are in possession of any large coastal, small coastal, or pelagic shark, regardless of gillnet type, are required to perform net checks at least every 2 hours (see § 635.21(e)(3)(v)). During the net checks, fishermen are required to look for and remove any sea turtles, marine mammals, or smalltooth sawfish. Only a few Atlantic shark limited access permit holders use gillnet gear and the proportions of each type (e.g., sink or drift) vary in any one year. Fishermen are not required to report the type of gillnet gear used, so the proportion of each type is best estimated using data from observed gillnet trips, although it is important to note that not all observed trips targeted sharks. From 2009 through 2012, the portion of gillnet trips that used sink gillnet gear ranged from a low in 2009 of 47 percent, up to 87 percent, 100 percent, and 93 percent in 2010–2012, respectively. For a variety of reasons (e.g., reduced LCS retention limits and gillnet gear fishing restrictions), it appears that the fishery has moved predominately to sink gillnet gear. Under the preferred alternative, shark gillnet fishermen that use sink gillnet gear would no longer be required to perform net checks at least every 2 hours under this alternative. Instead, they would be required to limit soak times to 24 hours. In the 2002 rulemaking that implemented the net checks (July 9, 2002, 67 FR 45393), NMFS stated that the net checks would be unlikely to impact the bycatch of species that are not protected resources. This statement was made because the net checks do not require fishermen to remove or disentangle any animals except protected species during the net checks, thus, non-protected resource bycatch species would be unlikely to be removed from the net. In the 2012 BiOp, the requirement to use either net checks or the 24 hour set limitation was determined to ensure that any incidentally taken ESA-listed species are detected and released in a timely manner, reducing the likelihood of mortality.

As such, this preferred alternative would likely result in short- and long-term direct minor adverse ecological impacts because the target species, sharks, could remain in the gillnet for longer periods of time before being released, reducing the chances of a live release. Similarly, this alternative could result in short- and long-term indirect neutral ecological impacts to non-target, incidentally caught fish species and bycatch because net checks do not require fishermen to remove or disentangle any animals except protected species during the net checks. This alternative would likely have, however, short- and long-term minor beneficial impacts on protected resources since it would implement one of the Terms and Conditions of the 2012 Shark BiOp to minimize impacts on protected resources. Since this alternative complies with the Biological Opinion, has only minor adverse direct and indirect ecological impacts to other species, and allows all smoothhound shark gillnet fishermen to continue current fishing practices, NMFS prefers this alternative at this time.

This action would likely result in neutral short- and long-term direct socioeconomic impacts. Smoothhound shark fishermen, who typically use sink gillnets, would be required to limit soak times to 24 hours and as discussed above, this requirement is unlikely to significantly alter smoothhound shark fishing practices. Drift gillnet fishermen, who are more likely to target Atlantic sharks rather than smoothhound sharks, would be required to check their nets at least every 2 hours, as is currently required. Thus, this alternative is unlikely to have any socioeconomic impacts to Atlantic shark and smoothhound shark fishermen since it would not change current fishing practices. Similarly, this alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses, including dealers and bait, tackle, and ice suppliers, should not be impacted. The preferred alternative would impact the approximately 31 vessels that annually direct on smoothhound sharks with gillnet gear. Since this action would have minimal economic impact but is still consistent with the 2012 Shark BiOp, and thus sufficiently protects protected resources, NMFS prefers this alternative at this time.

NMFS also considered three other alternatives to implement the 2012 Shark BiOp gillnet requirements in the Atlantic shark fisheries. First, NMFS considered not implementing the requirements, but does not prefer this alternative because it would not be consistent with the 2012 Shark BiOp. Second, NMFS considered requiring smoothhound shark fishermen to conduct net checks at least every 2 hours to look for and remove any protected species. This measure was not preferred because it would change current fishing practices, reducing efficiency and landings, thus reducing profitability, without reducing the likelihood of mortality of protected species per the 2012 BiOp. Third, NMFS considered different requirements based on permit type. It would establish a gillnet soak time limit of 24 hours for smoothhound shark permit holders. Under this alternative, fishermen holding both an Atlantic shark limited access permit and a smoothhound shark permit would have to abide by the 24-hour soak time restriction and conduct net checks at least every 2 hours. This would disadvantage smoothhound shark fishermen holding both permits relative to smoothhound shark fishermen only holding a smoothhound shark permit without ecological benefits to protected resources. For this reason, this measure is not preferred at this time.

Atlantic Shark Gillnet Vessel Monitoring System Requirements

This proposed rule would also revise the requirement to use VMS by shark fishermen using gillnet gear. Currently, Federal directed shark permit holders with gillnet gear on board are required to use VMS, regardless of vessel location. This requirement was implemented as part of the 2003 Amendment 1 to the 1999 FMP to ensure shark gillnet vessels were complying with the Atlantic Large Whale Take Reduction Plan (ALWTRP) time/area closures and observer requirements (50 CFR 229.32). The ALWTRP requirements apply only to

Atlantic directed shark limited access permit holders with gillnet gear on board in the Southeast U.S. Monitoring Area. At the time of implementation in 2003, NMFS determined that requiring all gillnet fishermen with a directed shark permit to use VMS regardless of geographic location would simplify compliance and outreach, particularly if these fishermen regularly fished different regions, including in the Southeast U.S. Monitoring Area. Since then, however, it has become apparent that while some of these fishermen fish multiple regions, many do not fish in or even near the Southeast U.S. Monitoring Area. Thus, this rulemaking considers measures to bring the VMS requirements in-line with the requirements of the ALWTRP.

NMFS proposes to require Federal directed Atlantic shark limited access permit holders with gillnet gear on board to use VMS only in the vicinity of the Southeast U.S. Monitoring Area, pursuant to ALWTRP requirements. This action is expected to have neutral short- and long-term direct and indirect ecological impacts. These VMS requirements are an enforcement tool for complying with the ALWTRP requirements and would not affect catch. VMS requirements do not impact incidentally caught species. The preferred alternative would likely provide short- and long-term moderate beneficial impacts for protected resources, because it maintains the requirement to have VMS on board when gillnet fishing in the U.S. Southeast Monitoring Area, as required in the ALWTRP. The difference between this alternative and the No Action alternative is that this alternative would limit the VMS requirement for Atlantic shark permit holders using gillnet gear to the vicinity of the Southeast U.S. Monitoring Area. Requirements to minimize large whale interactions would not change, only the geographic area of the VMS requirement. For this reason, protected resource impacts resulting from the preferred alternative are the same as for the no action alternative. Thus, because this alternative maintains the VMS requirements for large whales consistent with the ALWTRP, and at the same time reduces adverse socioeconomic impacts, NMFS prefers this alternative at this time.

This change to the VMS gillnet requirement would have short- and long-term direct minor beneficial socioeconomic impacts. Atlantic shark gillnet fishermen fishing in the vicinity of the Southeast U.S Monitoring Area would still incur the installation costs of the VMS, but data transmission would be limited to those times when the vessel is in this area. Furthermore, shark gillnet fishermen outside of this area that do not fish in the vicinity of the Southeast U.S Monitoring Area would not need to install a VMS unit or, if they already have one, maintain the VMS unit or replace a malfunctioning one. Thus, the socioeconomic impacts from this alternative, while still adverse, are of a lesser degree than those under the No Action alternative. This alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted. Since this alternative is more in line with the requirements of the ALWTRP, and because it would reduce socioeconomic impacts while still maintaining beneficial ecological impacts for protected whale species, NMFS prefers this alternative at this time.

Other Measures

Currently, the Atlantic shark fishery observer program is administered by the NMFS Southeast Fisheries Science Center (SEFSC). However, because a portion of the commercial smoothhound shark fishery occurs in the Northeast region, there is a possibility that the smoothhound shark observer program could be run by the NMFS Northeast Fisheries Science Center (NEFSC). The two regional science center observers programs differ in the way they notify fishermen of their selection to carry an observer. The SEFSC notifies fishermen in writing at the time of selection. This process is currently in the 50 CFR part 635 regulations. The NEFSC does not require written notification of selection and any vessel holding an applicable permit can be selected. Thus, NMFS is proposing changes to the observer regulations in 50 CFR part 635 to incorporate the relevant portions of the Northeast observer regulations found at 50 CFR part 648. In this action, NMFS proposes to update the regulatory text to incorporate the observer selection process used by the NEFSC into the current selection process used by the SEFSC. These proposed changes are administrative in nature, will not have any biological, economic, or social impacts or impacts on the physical environment and are not anticipated to affect the current fishing level or practices in commercial highly migratory species fisheries, and, therefore, are not further analyzed in this document.

Request for Comments

Comments on this proposed rule may be submitted via *http://www.regulations.gov,* or mail, and comments may also be submitted at a public hearing. NMFS solicits comments on this proposed rule by November 14, 2014 (See **DATES** and **ADDRESSES**). We will announce the dates and locations of public hearings in a future **Federal Register** notice.

Classification

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

NMFS prepared a draft EA for Draft Amendment 9 that discusses the impact on the environment that would occur as a result of this proposed action. In this proposed action, NMFS is considering measures for the smoothhound shark fishery, smooth dogfish, and the Atlantic shark gillnet fishery. A copy of the EA is available from NMFS (see **ADDRESSES**).

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

This proposed rule contains a collection-of-information requirement subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). This requirement has been submitted to OMB for approval.

The Federal commercial smoothhound shark permit requirement analyzed in Amendment 3 will become effective upon the effective date of a final rule. NMFS submitted a PRA change request to OMB to add this permit to the existing HMS permit PRA package (OMB control number 0648–0327). OMB subsequently accepted the change request to add the Federal commercial smoothhound shark permit to the HMS permit PRA package.

Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments

on these or any other aspects of the collection of information to (enter office name) at the **ADDRESSES** above, and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–7285.

Notwithstanding any other provision of law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Regulatory Flexibility Act

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule would have on small entities if adopted. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A summary of the analysis follows. A copy of this analysis is available from NMFS (see **ADDRESSES**).

This proposed action is designed to implement the smooth dogfish provisions of the Shark Conservation Act of 2010 and to implement the smoothhound sharks measures in Amendment 3 to the 2006 Consolidated HMS FMP (75 FR 30484, June 1, 2010) and the 2011 Atlantic HMS Trawl Rule (76 FR 49368, August 10, 2011) that are currently on hold. This action also reexamines the smoothhound shark quota that would be implemented along with the Amendment 3 measures. NMFS has updated landings data that could necessitate a recalculation of the quota. See Section 1.3 of the Draft EA for Amendment 9 for more information.

On December 12, 2012, consistent with Section 7(b)(4) of the ESA, NMFS determined that the continued operation of the Atlantic shark and smoothhound shark fisheries is not likely to jeopardize the continued existence of Atlantic sturgeon, smalltooth sawfish, or any species of ESA-listed large whale or sea turtles. In order to be exempt from take prohibitions established by Section 9 of the ESA, NMFS must comply with the RPMs and TCs listed in the 2012 Shark BiOp. One purpose of Amendment 9 is to propose measures to implement the 2012 Shark BiOp TCs that are specific to the Atlantic shark and smoothhound shark fisheries. See Section 1.3 of the Draft EA for Amendment 9 for more information.

Currently, Federal directed shark permit holders with gillnet gear on board are required to use VMS regardless of vessel location. This requirement was originally implemented to comply with the ALWTRP requirements at 50 CFR 229.32. However, these requirements require federal directed shark permit holders with gillnet gear on board to use VMS only when fishing in a certain area in the South Atlantic. Thus, another purpose of this rulemaking is to examine measures to bring current VMS regulations for Federal directed shark permit holders using gillnet gear in-line with the current requirements of the ALWTRP at 50 CFR 229.32. See Section 1.3 of the Draft EA for Amendment 9 for more information.

The management goals and objectives of this action are to provide for the sustainable management of smoothhound sharks and Atlantic shark species under authority of the Secretary consistent with the requirements of the Magnuson-Stevens Act and other statutes which may apply to such management, including the ESA and the Marine Mammal Protection Act (MMPA). The management objectives are to achieve the following:

- Implement the smooth dogfish provisions of the SCA.
- Implement other measures, as necessary, to ensure that the smooth dogfish provisions of the SCA do not negatively impact the sustainable fishery of other shark species.
- Reexamine the smoothhound shark quota in light of updated landings data.
- Implement the Term and Condition of the 2012 Smoothhound Shark and Atlantic Shark Biological Opinion related to gillnet impacts on ESA-listed species.
- Reexamine Atlantic shark gillnet VMS regulation in compliance with the ALWTRP, per the MMPA.

Section 603(b)(3) of the RFA requires Agencies to provide an estimate of the number of small entities to which the rule would apply. On June 12, 2014, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 14, 2014 (79 FR 33647; June 12, 2014). The rule increased the size standard for Finfish Fishing from $19.0 to 20.5 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all entities subject to this action were considered small entities; thus, they all would continue to be considered small entities under the new standards. NMFS does not believe that the new size standards affect analyses prepared for this action and solicits public comment on the analyses in light of the new size standards. Under these standards, NMFS considers all Atlantic HMS permit holders subject to draft Amendment 9 to be small entities.

As discussed in Section 6.1 of the Draft EA for Amendment 9, NMFS does not have exact numbers on affected commercial fishermen. The smoothhound shark commercial permit has not yet been created, so NMFS does not know how many smoothhound shark fishermen will be impacted. An annual average of 275 vessels reported retaining smooth dogfish through VTR from 2003–2012. This is NMFS' best estimate of affected smoothhound shark fishermen.

While the retention of sharks in federal waters requires one of two limited access commercial shark permits, these permits do not specify gear type, such as gillnets. For this reason, NMFS does not know the exact number of affected shark gillnet fishermen. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit.

As of July 11, 2013, there are 96 Atlantic shark dealers. These dealers could be affected by these measures to varying degrees. Not all of these dealers purchase smoothhound sharks and those that do are concentrated in the Mid-Atlantic region. NMFS will know more about the number of affected dealers when smoothhound reporting requirements go into place. Similarly, not all of these dealers purchase Atlantic sharks caught with gillnet gear. The number is likely low and is concentrated in Florida and the Gulf of Mexico.

NMFS has determined that the proposed rule is not likely to affect any small governmental jurisdictions. More information regarding the description of the fisheries affected, and the categories and number of permit holders can be found in Chapter 3 of the Draft EA for Amendment 9.

Under section 603(b)(4) of the RFA, Agencies are required to describe any new reporting, record-keeping and other compliance requirements. The Federal commercial smoothhound shark permit requirement analyzed in Amendment 3 to the 2006 Consolidated HMS FMP will become effective upon the effective date of this rule. NMFS submitted a PRA change request to OMB to add this permit to the existing HMS permit PRA package (OMB control number 0648–

0327). OMB subsequently accepted the change request to add the federal commercial smoothhound shark permit to the HMS permit PRA package.

On November 15, 2013, NMFS published a final rule (78 FR 68757) that modifies declaration requirements for Atlantic shark fishermen using VMS. The final rule implements requirements for operators of vessels that have been issued Atlantic HMS permits and are required to use their VMS units to provide hourly position reports 24 hours a day, 7 days a week (24/7). The final rule implements requirements allowing the operators of such vessels to make declarations out of the fishery when not retaining or fishing for Atlantic HMS for specified periods of time that encompass two or more trips. These changes alter the burden estimates under the existing HMS permit PRA package (OMB control number 0648–0327).

Under section 603(b)(5) of the RFA, agencies must identify, to the extent practicable, relevant Federal rules which duplicate, overlap, or conflict with the proposed rule. Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements, domestic laws, and other FMPs. These include the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act, the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act. This proposed rule has also been determined not to duplicate, overlap, or conflict with any other Federal rules.

One of the requirements of an IRFA is to describe any alternatives to the proposed rule which accomplish the stated objectives and which minimize any significant economic impacts. These impacts are discussed below. Additionally, the RFA (5 U.S.C. 603(c)(1)–(4)) lists four general categories of ''significant'' alternatives that would assist an agency in the development of significant alternatives. These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities.

In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act, ATCA, and the ESA, NMFS cannot establish differing compliance requirements for small entities or exempt small entities from compliance requirements. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of draft Amendment 9 while, concurrently, complying with the Magnuson-Stevens Act. As described below, NMFS analyzed several different alternatives in this proposed rulemaking and provides rationale for identifying the preferred alternative to achieve the desired objective.

The alternatives considered and analyzed are described below. The IRFA assumes that each vessel will have similar catch and gross revenues to show the relative impact of the proposed action on vessels.

With regard to the implementation of the SCA, NMFS considered two alternatives. Alternative A1, which would not implement the smooth dogfish-specific provisions of the SCA and would instead implement the fins attached requirement finalized in Amendment 3, and Alternative A2, which proposes to implement the smooth dogfish-specific provisions of the SCA and has sub-alternatives that address the specific elements of the smooth dogfish-specific provisions.

Alternative A1 would not implement the smooth dogfish-specific provisions of the SCA and would require all smooth dogfish to be landed with fins naturally attached. This alternative would change current fishing practices since smooth dogfish caught in the directed and incidental fisheries are fully processed while at sea. As a result, this Alternative A1 would likely lead to reduced landings and a lower ex-vessel price since the product would not be fully processed. This could lead to adverse socioeconomic impacts.

Under Alternative A2, the preferred alternative, an allowance for the removal of smooth dogfish fins at sea would increase efficiency in the smooth dogfish fishery and provide a more highly processed product for fishermen to sell to dealers. Quantifying the financial benefits is difficult since baseline effort and increases in efficiency cannot be calculated, but the benefit would not exceed $585,516, the ex-vessel value of the entire smooth dogfish gillnet fishery. The benefit to individual vessels is likely equal to the average annual per vessel revenues from smooth dogfish caught in the directed sink gillnet fishery was which was $15,365.

Supporting entities, such as bait and tackle suppliers, ice suppliers, dealers, and other similar businesses, could experience increased revenue if the efficiency of fin removal at sea results in a higher quality product. However, while supporting businesses would benefit from the increased profitability of the fishery, they do not solely rely on the smooth dogfish fishery. In the long-term, it is likely that changes in the smooth dogfish fishery would not have large impacts on these businesses.

Under Sub-Alternative A2–1a, smooth dogfish could make up any portion of the retained catch on board, provided that no other sharks are retained. This sub-alternative would authorize smooth dogfish fishermen to retain any non-shark species of fish while still availing themselves of the at-sea fin removal allowance. Smooth dogfish are often caught incidentally during other fishing operations, thus this sub-alternative would allow fishermen to maximize the profitability of each trip and allow individual operators the flexibility to make decisions, before the trip and while on the water, as to the retained catch composition that would maximize ex-vessel revenues. Under this alternative, fishermen could remove smooth dogfish fins at sea during any type of trip including those trips that are directing on other non-shark species. This alternative would maintain the current practice in the fishery and vessels could continue to have ex-vessel revenues of $585,516 per year in the smooth dogfish gillnet fishery.

Under Sub-Alternative A2–1b, fishermen could avail themselves of the at-sea fin removal allowance only if smooth dogfish comprise 25 percent of the retained catch on board. This sub-alternative would authorize smooth dogfish fishermen to retain some non-shark species of fish while still availing themselves of the at-sea fin removal allowance. Smooth dogfish are often caught incidentally during other fishing operations, thus this sub-alternative would allow fishermen to increase the profitability of each trip and allow individual operators the flexibility to make decisions, before the trip and while on the water, as to the retained catch composition that would increase ex-vessel revenues. This increase in flexibility would be to a lesser extent than Sub-Alternative A2–1a, which would not have a catch composition requirement, but greater than the other sub-alternatives that limit the fins-attached exception to the directed fishery. This sub-alternative would decrease total ex-vessel revenues relative to the current level of $585,516

per year in the smooth dogfish gillnet fishery.

Under Sub-Alternative A2–1c, a preferred sub-alternative, fishermen could avail themselves of the at-sea fin removal allowance only if smooth dogfish comprise 75 percent of the retained catch on board. NMFS chose this threshold because in other HMS fisheries, 75 percent retention of the target catch is considered a trip where the fisherman is fishing for that species. Thus, implementing a target catch requirement of 75 percent smooth dogfish would limit the at-sea fin removal allowance to those fishing for smooth dogfish. Because some fishermen catch smooth dogfish while fishing for other species, this sub-alternative is likely to reduce flexibility in which species may be retained and would decrease the number of mixed species trips where fishermen could take advantage of the at-sea fin removal allowance. Between 2003 and 2012, an annual average of 275 vessels landed smooth dogfish, but only around 30 vessels targeted smooth dogfish in any given year. For this reason, NMFS estimates that approximately 245 vessels in the mixed species fishery would be impacted by sub-Alternative A2–1c.

Sub-Alternative A2–1d would require smooth dogfish to comprise 100 percent of the retained catch on board the vessel in order for fishermen to avail themselves of the at-sea fin removal allowance for smooth dogfish. This sub-alternative would eliminate the ability of mixed trips to take advantage of the at-sea fin removal, and would reduce flexibility in deciding which species to retain on each fishing trip. However, the approximately 30 vessels (annual average 2003–2012) that target smooth dogfish often only retain smooth dogfish due to the processing practices in place. Thus, these fishermen would only have smooth dogfish on board and would not be impacted by a 100 percent smooth dogfish requirement, and would benefit from the ability to remove the smooth dogfish fins at sea.

Sub-Alternative A2–2a would require federal smoothhound permitted fishermen to obtain a smooth dogfish-specific state commercial fishing license in order to be able to remove smooth dogfish fins at sea. The requirement to obtain a smooth dogfish-specific state commercial fishing license may be more difficult for fishermen who are in states that do not have smooth dogfish-specific permits in place. This sub-alternative would result in the increased burden on fishermen to obtain another permit, and depending upon the state, could result in an additional permit charge. Since most permits are valid for one year, fishermen would likely need to renew the permit each year for as long as they wish to retain smooth dogfish and remove the fins while at sea. Because not all states have smooth dogfish-specific permits, NMFS does not prefer this alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

Sub-Alternative A2–2b, the preferred alternative, would require fishermen to hold any state commercial fishing permit that allows retention of smooth dogfish. It is likely, however, that most smooth dogfish fishermen already hold this type of state permit and would be unaffected by this requirement. This sub-alternative would likely be the most straightforward for regulatory compliance since the permit requirement would be the simpler than sub-alternative A2–2a. Thus, NMFS prefers this sub-alternative at this time but is seeking comments, particularly from the States, about their preferences and what approach would work best in conjunction with their state approach to permitting and state fishery objectives.

NMFS considered two alternatives for Geographic Application of the SCA exception. Under Sub-Alternative A2–3a, the exception would apply along the Atlantic Coast and the Florida west coast in the Gulf of Mexico. As explained earlier, as a practical matter, smooth dogfish and other smoothhound species are indistinguishable. The best available scientific information indicates that smooth dogfish are likely the only smoothhound shark species along the Atlantic coast. In the Gulf of Mexico, however, there are at least three different smoothhound species, with no practical way to distinguish among them. This sub-alternative would apply the smooth dogfish exception 50 nautical miles from the baseline of all the States that fall under the SCA definition of ''State.'' This sub-alternative could result in other smoothhound sharks indirectly falling under the exception, because they cannot be distinguished from smooth dogfish. NMFS does not expect any impacts from this alternative because there is no commercial fishery for smooth dogfish in the Gulf of Mexico at this time. However, NMFS does not prefer this sub-alternative at this time because, if a fishery does develop, species misidentification could result in enforcement action.

Under Sub-Alternative 3b, the preferred sub-alternative, the exception would only apply along the Atlantic coast and not the Florida west coast in the Gulf of Mexico. By not extending the exception into the Gulf of Mexico, this sub-alternative would ensure that the smooth dogfish fins attached exception would only apply along the Atlantic Coast where the population is almost entirely smooth dogfish, reducing identification problems and inadvertent finning violations. NMFS does not expect any impacts from this alternative because, at this time, there is no commercial fishery for smooth dogfish in the Gulf of Mexico. NMFS prefers this sub-alternative at this time because it simplifies enforcement and compliance without adverse impacts.

NMFS considered 4 alternatives to the smoothhound quota alternatives. Alternative B1, which would implement the smoothhound shark quota finalized in Amendment 3; Alternative B2, which would establish a rolling quota based on the most recent five years of landings data; Alternative B3, the preferred alternative, which would calculate the smoothhound quota using the same method as in Amendment 3 but would use updated smoothhound landings information; and Alternative B4 which would establish smoothhound shark quotas that reflect any necessary adjustments as a result of the 2014 smoothhound shark stock assessment.

Alternative B1 would implement the quota finalized in Amendment 3 (715.5 mt dw), which was based on the calculation of quotas from a historical period in the fishery (1998 to 2007) and adding two standard deviations. Current reported smoothhound shark landings are higher than the quota level in Alternative B1. As such, implementing this quota would prevent fishermen from fishing at current levels, resulting in lost revenues. In 2011, the most recent year when landings exceeded the Amendment 3 quota, smoothhound shark landings totaled 2,078,251 lb dw (ACCSP data), resulting in revenues across the entire smoothhound shark fishery of $1,634,337 (2,078,251 lb of meat, 249,390 lb of fins). Implementation of the Amendment 3 quota (715.5 mt dw) would result in ex-vessel revenues of only $1,240,460 (1,577,391 lb of meat, 189,287 lb of fins), which is $393,877 less than 2011 ex-vessel revenues. Both of these estimates assume $1.72/lb for fins, $0.58/lb for meat based on 2013 HMS dealer data, and a 12 percent fin-to-carcass ratio from the SCA. Seventy-six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink

gillnet vessels fishing for smoothhound sharks, the quota in this alternative would result in annual ex-vessel revenues of $15,128 per vessel, which is less than current ex-vessel revenues of $19,931 per vessel. This is an average across all directed and incidental sink gillnet vessels and this individual annual vessel ex-vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

The quota in Alternative B1 does not accurately characterize current reported landings of smoothhound sharks. The VTR data for the Northeastern United States shows that an average of 31 vessels between 2002 and 2012 directed on smoothhound shark. These vessels likely fished opportunistically on multiple species of coastal migratory fish and elasmobranches, and it is unlikely that any sector within the fishing industry in the Northeast (fisherman, dealer, or processor) relies wholly upon smoothhound sharks. Longer-term impacts are expected to be neutral given the small size of the fishery and the generalist nature of the sink gillnet fishery.

Alternative B2 would establish a rolling smoothhound shark quota set above the maximum annual landings for the preceding five years; this quota would be recalculated annually to account for the most recent landing trends within the smoothhound complex (2015 quota would be 1,663 mt dw based on 2009–2013 data). The 2015 quota under this alternative would likely result in annual revenues of $2,883,139 (3,666,250 lb of meat, 439,950 lb of fins) assuming an ex-vessel price of $1.72 lb for fins and $0.58 lb for meat based on 2013 HMS dealer data. Seventy-six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink gillnet vessels fishing for smoothhound sharks, the quota in this alternative would result in individual vessel annual revenues of $35,160, which is more than current ex-vessel revenues of $19,931 per vessel. This is an average across all directed and incidental sink gillnet vessels, and this individual annual vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

Per the intent of Amendment 3, smoothhound management measures are designed to characterize and collect data while minimizing changes in catch levels and catch rates in the fishery. This goal necessitates a quota near actual exploitation levels. Thus, setting the quota above current landings levels should allow the fishery to continue, rather than be closed, allowing for NMFS to collect more information that can be used in future stock assessments. Alternative B2 is consistent with the intent of Amendment 3, which was to minimize changes to the fishery while information on catch and participants was collected. Because landings in the smoothhound shark fishery are likely underreported, it is unclear at this time whether the increase in reported landings is due to existing smoothhound fishermen reporting in anticipation of future management or increased effort (e.g., new entrants into the fishery). While a rolling quota would cover all current reporting and likely cover all underreporting of landings, the fishery could grow exponentially if reported landings continue to increase over consecutive years, possibly resulting in stock declines and in turn a potential loss of revenue to the fishing industry. The rolling quota could also lead to lower quotas in consecutive years if landings decrease over time. Thus, the changing nature of the rolling quota could lead to uncertainty in the fishery and could cause direct and indirect minor adverse socioeconomic impacts in the long term.

Alternative B3, the preferred alternative, would create a smoothhound quota equal to the maximum annual landings from 2004–2013 plus two standard deviations, and would equal 1,739.9 mt dw. This alternative establishes a smoothhound quota two standard deviations above the maximum annual landings reported over the last ten years, which is the method used to calculate the smoothhound shark quota that was finalized in Amendment 3. This quota would result in potential annual revenues in the entire fishery of $3,016,460 (3,835,784 lb of meat, 460,294 lb of fins) assuming an ex-vessels price of $1.72 lb for fins and $0.58 for fins based on 2013 HMS dealer data. Seventy six percent of all landings in the smoothhound shark fishery come from sink gillnets, and there are approximately 82 vessels that use sink gillnet gear to fish for smoothhound sharks. Assuming an average of 82 sink gillnet vessels fishing for smoothhound sharks, the quota proposed in this alternative would result in individual vessel annual revenues of $36,786. This is an average across all directed and incidental sink gillnet vessels and this individual annual vessel revenue may fluctuate based on the degree to which fishermen direct on smoothhound sharks.

Consistent with the intent of Amendment 3, the preferred alternative B3 would set the quota above current landings levels to allow the fishery to continue throughout the year, rather than be closed for part of the year. This would allow NMFS to collect year-round fishery data that could be used in future smoothhound shark stock assessments. Because landings in the smoothhound fishery are likely underreported, it is unclear at this time whether the increase in reported landings is due to existing smoothhound shark fishermen reporting in anticipation of future management or increased effort. Under this alternative, NMFS anticipates the fishery would operate as it currently does. Alternative B3 accounts for recent trends in the fishery and the best available landings data as recalculated and reported by ACCSP reflects recent behavior in the fishery, and provides an appropriate buffer to account for underreporting in the fishery. Alternative B3 provides for more stability in the fishery due to a quota that does not change from year to year as in alternative B2. Additionally, providing a maximum cap on the fishery would allow fishermen, dealers, and processors to make better business decisions based on a more predictable yield (assuming that the fishery is fished to near-full capacity each year).

Alternative B4 would implement a smoothhound shark quota consistent with the results of the 2014 smoothhound shark stock assessment, if the results become available before publication of the final rule for this action. For the entire smoothhound shark complex, there are four possible outcomes: (1) One or more of the stocks is found to be overfished but not experiencing overfishing; (2) one or more of the stocks is found to be experiencing overfishing but not yet overfished; (3) one or more of the stocks is found to be overfished and experiencing overfishing; or (4) all stocks are found to not be overfished or experiencing overfishing (healthy). A smoothhound shark quota that is based on the results of a stock assessment would provide short and long-term ecological benefits and the resulting sustainable fishery will ensure long-term socioeconomic benefits for the smoothhound shark fishermen. Unless the stock assessment indicates that current fishing levels are unsustainable, short-term negative socioeconomic impacts are unlikely to result from this alternative. However, the stock assessment is not yet available and NMFS is unsure if it will be available

before the final rule for this action publishes. Therefore, NMFS does not prefer this alternative at this time.

In order to implement the TCs of the 2012 Shark BiOp in the smoothhound shark fishery, NMFS considered 4 alternatives. The No Action alternative, which would not implement TC 4 of the 2012 Shark BiOp; C2 which would require smoothhound shark fishermen to conduct net checks at least every 2 hours; C3 which would require smoothhound shark fishermen to limit their gillnet soak time to 24 hours and those smoothhound shark fishermen that also have a Atlantic shark limited access permit to check their nets at least every 2 hours; and C4 which would require smoothhound and Atlantic shark fishermen using sink gillnet to soak their nets no longer than 24 hours and those fishermen using drift gillnets to check their nets at least every 2 hours.

Alternative C1 would not implement the BiOp term and condition requiring all smoothhound shark permit holders to either check their gillnet gear at least every 2.0 hours, or limit their soak time to no more than 24 hours. This alternative would likely result in short- and long-term neutral direct socioeconomic impacts. Under Alternative C1, smoothhound shark fishermen would continue to fish as they do now and so this alternative would not have economic impacts that differ from the status quo. Similarly, this alternative would likely result in neutral short and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted.

Alternative C2 would require smoothhound shark fishermen using gillnet gear to conduct net checks at least every 2 hours to check for and remove any protected species, and would likely result in short- and long-term direct moderate adverse socioeconomic impacts. Some smoothhound shark gillnet fishermen fish multiple nets at one time or deploy their net(s), leave the vicinity, and return at some later time. Alternative C2 would require these fishermen to check each gillnet at least once every 2 hours, making fishing with multiple nets or leaving nets unattended difficult. This would likely lead to a reduction in effort and landing levels, resulting in lower ex-vessel revenues. Quantifying the loss of income is difficult without information characterizing the fishery, including the number of nets fished. However, limiting the amount of fishing effort in this manner is likely to reduce total landings of smoothhound sharks or, in order to keep landing levels high, extend the length of trips. Landings of incidentally caught fish species could be reduced as well, although under preferred sub-Alternative A2–1c, smoothhound shark fishermen that wish to remove smooth dogfish fins at sea could not retain other species. This alternative would not have a large impact on supporting businesses such as dealers or bait, tackle, and ice suppliers, since these businesses do not solely rely on the smoothhound shark fishery. The smoothhound shark fishery is small relative to other fisheries. Thus, Alternative C2 would likely result in short- and long-term indirect neutral socioeconomic impacts. Alternative C2 would impact the approximately 31 vessel that annually direct on smoothhound sharks with gillnet gear (annual average from 2003–2013).

Alternative C3 would establish a gillnet soak time limit of 24 hours for smoothhound shark permit holders. Under this alternative, fishermen holding both an Atlantic shark limited access permit and a smoothhound shark permit must abide by the 24 hour soak time restriction and conduct net checks at least every 2 hours. This alternative would likely result in short- and long-term direct minor adverse socioeconomic impacts to those smoothhound permitted fishermen that also have an Atlantic shark limited access permit, and therefore would be required to check their nets at least every 2 hours. Currently, smoothhound shark gillnet fishermen sometimes fish multiple nets or leave nets unattended for short periods of time. Rarely are these nets soaked for more than 24 hours, thus, this alternative would not impact smoothhound shark gillnet fishermen that do not have an Atlantic shark limited access permit. Adverse socioeconomic impacts resulting from this alternative would likely occur to the subset of smoothhound shark fishermen that also hold an Atlantic shark limited access permit. These smoothhound shark fishermen would be at a disadvantage to other smoothhound shark fishermen that do not have an Atlantic shark limited access permit, because they would be required to check their gillnets at least every 2 hours, which is a large change in the way the smoothhound shark fishery currently operates. Dropping the Atlantic shark permit to avoid the net check requirement is not likely feasible, since Atlantic shark permits are limited access and cannot be easily obtained. Additionally, pelagic longline fishermen are required to have an incidental or directed shark permit when targeting swordfish or tunas, even if they are not fishing for sharks, due to the likelihood of incidental shark catch. In practical terms, this alternative could result in smoothhound shark gillnet fishermen abiding by the 2 hour net check requirement even if they do not fish for Atlantic sharks and only hold a Atlantic shark limited access permit to fish for swordfish or tunas (note that gillnets cannot be used to target swordfish or tunas, but some vessels may switch gears between trips). For this subset of fishermen, basing gillnet requirements on permit types could introduce fishing inefficiencies when compared to other smoothhound fishermen, likely resulting in adverse socioeconomic impacts to these fishermen. It is unlikely that this alternative would have a large impact on supporting businesses such as dealers or bait, tackle, and ice suppliers since these businesses do not solely rely on the smoothhound shark fishery. As noted above, the smoothhound shark fishery is small relative to other fisheries, and it is difficult to determine the number of fishermen that would be adversely affected since NMFS does not yet know which vessels will obtain a smoothhound shark fishing permit. However, it is likely that this number will be approximately 170, which is the average annual number of vessel that retain smoothhound sharks.

Alternative C4, the preferred alternative, would establish a soak time limit of 24 hours for fishermen using sink gillnet gear and a 2 hour net check requirement for fishermen using drift gillnet gear in the Atlantic shark and smoothhound shark fisheries. Drift gillnets would be defined as those that are unattached to the ocean bottom with a float line at the surface. Sink gillnet gear would be defined as those with a weight line that sinks to the ocean bottom, has a submerged float line, and is designed to be fished on or near the bottom. Alternative C4 would likely result in neutral short- and long-term direct socioeconomic impacts. Smoothhound shark fishermen, who typically use sink gillnets, would be required to limit soak times to 24 hours and as discussed above, this requirement is unlikely to significantly alter smoothhound shark fishing practices. Drift gillnet fishermen, who are more likely to target Atlantic sharks other than smoothhound sharks, would be required to check their nets at least every 2 hours, as is currently required. Thus, this alternative is unlikely to have any socioeconomic impacts to Atlantic shark and smoothhound shark fishermen since it would not change

current fishing practices. Similarly, this alternative would likely result in neutral short- and long-term indirect socioeconomic impacts since supporting businesses including dealers and bait, tackle, and ice suppliers should not be impacted. Alternative C4 would impact the approximately 31 vessels that annually direct on smoothhound sharks with gillnet gear. Since Alternative C4 would have minimal economic impact but is still consistent with the 2012 Shark BiOp, NMFS prefers this alternative at this time.

NMFS also considered two alternatives to streamline the current VMS requirements for Atlantic shark fishermen with gillnet gear on board. NMFS considered two alternatives, the No Action alternative that would maintain the current requirement to have VMS on board when fishing for Atlantic sharks with gillnet regardless of where the vessel is fishing, and alternative D2 that would only require VMS on board for Atlantic shark fishermen using gillnet gear in an area specified by the ALWTRP requirements at 50 CFR 229.32.

Alternative D1 would maintain the current requirement that Atlantic shark permit holders fishing with gillnet gear must have VMS on board from November 15–April 15, regardless of where the vessel is fishing. These VMS requirements were put in place as an enforcement tool for complying with the ALWTRP requirements set forth in 50 CFR 229.32. Per 50 CFR 229.32 (h)(2)(i) Atlantic shark gillnet fishermen are only required to have VMS if they are fishing in the Southeast U.S. Monitoring Area. Purchasing and installing a VMS unit costs fishermen around $3,500 and monthly data transmission charges cost, on average, approximately $44.00. Because these monthly costs are currently incurred whenever a shark gillnet fishermen is fishing from November 15–April 15, these costs can affect the fishermen's annual revenues. Although the affected fishermen already have VMS installed, they continue to pay for transmission and maintenance costs, and could need to buy a new unit if theirs fails. NMFS notes that there may be a reimbursement program that would defray part of the purchase cost, but whether that program will exist is not certain at this time. Thus, it is likely that this alternative could have short and long-term direct minor adverse socioeconomic impacts to fishermen due to the cost of purchasing and maintaining a VMS unit. While the retention of sharks in federal waters requires one of two limited access commercial shark permits, these permits do not specify gear type, including gillnets. For this reason, NMFS does not know the exact number of affected shark gillnet fishermen. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit.

Alternative D2, the preferred alternative, would change the gillnet VMS requirements to require federal directed shark permit holders with gillnet gear on board to use VMS only in the vicinity of the Southeast U.S. Monitoring Area, pursuant to ALWTRP requirements. This alternative would have short- and long-term direct minor beneficial socioeconomic impacts. Atlantic shark gillnet fishermen fishing in the vicinity of the Southeast U.S. Monitoring Area would still incur the installation costs of the VMS, but data transmission would be limited to those times when the vessel is in this area. Furthermore, shark gillnet fishermen outside of this area that do not fish in the vicinity of the Southeast U.S Monitoring Area would not need to install a VMS unit or, if they already have one, maintain the VMS unit or replace a malfunctioning one. Thus, the socioeconomic impacts from this alternative, while still adverse, are of a lesser degree than those under Alternative D1, the No Action alternative. This alternative would likely result in neutral short- and long-term indirect socioeconomic impacts, since supporting businesses including dealers and bait, tackle, and ice suppliers would not be impacted. As noted in the other alternatives discussions, NMFS does not know the exact number of shark gillnet fishermen that would be affected by this alternative. As of July 11, 2013, there are 216 directed shark and 261 incidental shark permit holders. Logbook records indicate that there are usually about 10 Atlantic shark directed permit holders that use gillnet gear in any year. However, the universe of directed permit holders using gillnet gear can change from year to year and could include anyone who holds an Atlantic shark directed permit. Since this alternative is more in line with the requirements of the ALWTRP, and because it would reduce socioeconomic impacts while still maintaining beneficial ecological impacts for protected whale species, NMFS prefers this alternative at this time.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Penalties, Reporting and recordkeeping requirements, Retention limits.

Dated: August 1, 2014.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR part 635 is proposed to be amended 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 § 635.2, definitions for ''Atlantic States,'' ''Drift gillnet,'' ''Sink gillnet,'' and ''Smoothhound shark'' are added in alphabetical order to read as follows:

§ 635.2 Definitions.

* * * * *

Atlantic States, consistent with section 803 of Public law 103–206 (16 U.S.C. 5102), refers to Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, the District of Columbia, and the Potomac River Fisheries Commission, for purposes of applying the Shark Conservation Act exception at 50 CFR 635.30(c)(5).

* * * * *

Drift gillnet means a gillnet that is unattached to the ocean bottom and not anchored, secured or weighted to the ocean bottom.

* * * * *

Sink gillnet means a gillnet that is designed to be or is fished on or near the bottom in the lower third of the water column by means of a weight line or enough weights and anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom.

* * * * *

Smoothhound shark(s) means one of the species, or part thereof, listed in section E of table 1 in appendix A to this part.

* * * * *

■ 3. In § 635.4, paragraphs (e)(4) and (m)(2) are revised to read as follows:

§ 635.4 Permits and fees.

* * * * *

(e) * * *

(4) Owners of vessels that fish for, take, retain, or possess the Atlantic

oceanic sharks listed in section E of Table 1 of Appendix A with an intention to sell must obtain a Federal commercial smoothhound permit. A Federal commercial smoothhound permit may be issued to a vessel alone or to a vessel that also holds either a Federal Atlantic commercial shark directed or incidental limited access permit.

* * * * *

(m) * * *

(2) *Shark and swordfish permits.* A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section and/or a Federal commercial smoothhound permit issued under paragraph (e) of this section; or an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, if: The vessel is used to fish for or take sharks commercially from the management unit; sharks from the management unit are retained or possessed on the vessel with an intention to sell; or sharks from the management unit are sold from the vessel. A vessel owner must obtain the applicable limited access permit(s) issued pursuant to the requirements in paragraphs (e) and (f) of this section, a Swordfish General Commercial permit issued under paragraph (f) of this section, an Incidental HMS Squid Trawl permit issued under paragraph (n) of this section, an HMS Commercial Caribbean Small Boat permit issued under paragraph (o) of this section, or an HMS Charter/Headboat permit issued under paragraph (b) of this section, which authorizes a Charter/Headboat to fish commercially for swordfish on a non for-hire trip subject to the retention limits at § 635.24(b)(4) if: The vessel is used to fish for or take swordfish commercially from the management unit; swordfish from the management unit are retained or possessed on the vessel with an intention to sell; or swordfish from the management unit are sold from the vessel. The commercial retention and sale of swordfish from vessels issued an HMS Charter/Headboat permit is permissible only when the vessel is on a non for-hire trip. Only persons holding non-expired shark and swordfish limited access permit(s) in the preceding year are eligible to renew those limited access permit(s). Transferors may not renew limited access permits that have been transferred according to the procedures in paragraph (l) of this section.

* * * * *

■ 4. In § 635.7, paragraph (a) is revised and paragraph (g) is added to read as follows:

§ 635.7 At-sea observer coverage.

(a) *Applicability.* NMFS may select for at-sea observer coverage any vessel that has an Atlantic HMS, tunas, shark or swordfish permit issued under § 635.4 or § 635.32. Vessels permitted in the HMS Charter/Headboat and Angling categories will be requested to take observers on a voluntary basis. When selected, vessels issued any other permit under § 635.4 or § 635.32 are required to take observers on a mandatory basis. Requirements for selection, notification, and assignment of observers for vessels that have been issued Federal commercial smoothhound permits are set forth in paragraph (g) of this section.

* * * * *

(g) *Selection, Notification, and Assignment of Observers for Commercial Smoothhound Vessels.* (1) NMFS may request any vessel issued a Federal commercial smoothhound shark permit to carry a NMFS-approved observer.

(2) If requested to carry an observer, it is the responsibility of the vessel owner to arrange for and facilitate observer placements. Owners of vessels selected for observer coverage must notify NMFS, at an address specified by NMFS, before commencing any fishing trip that may result in the harvest of smoothhound sharks. Notification procedures are set forth in paragraph (4) below.

(3) NMFS may waive the requirement to carry an observer if an observer is not available for placement or if the facilities on a vessel for housing the observer, or for carrying out observer functions, are so inadequate or unsafe that the health or safety of the observer, or the safe operation of the vessel, would be jeopardized.

(4) A vessel issued a Federal smoothhound permit may not begin a fishing trip without providing notice as required under this paragraph and receiving an observer notification or waiver pursuant to paragraph (g)(5) of this section. Unless otherwise notified by NMFS, at least 48 hours prior to departing port on any trip, the owner or operator of a vessel issued a Federal smoothhound permit must provide notice to NMFS at an address specified by NMFS of the vessel name and permit number; contact name and telephone number for coordination of observer deployment; date, time, and port of departure; and the vessel's trip plan, including area to be fished and gear type to be used. For trips lasting 48 hours or less from the time the vessel leaves port to begin a fishing trip until the time the vessel returns to port upon the completion of the fishing trip, the vessel owner or operator may make a weekly notification rather than trip-by-trip calls. For weekly notifications, a vessel owner or operator must notify NMFS at an address specified by NMFS by 1 a.m. of the Friday preceding the week (Sunday through Saturday) that it intends to complete at least one smoothhound trip during the following week and provide the date, time, port of departure, area to be fished, and gear type to be used for each trip during that week. Such weekly notifications must be made no more than 10 days in advance of each fishing trip. The vessel owner or operator must notify NMFS of any trip plan changes at least 24 hours prior to vessel departure from port.

(5) Within 24 hours of a notice made under paragraph (g)(4) of this section, NMFS will notify the vessel owner or operator via the information provided by the vessel owner or operator, whether the vessel must carry an observer or if a waiver has been granted pursuant to paragraph (g)(3) of this section. All trip notifications shall be issued a unique confirmation number. A vessel may not fish on a smoothhound shark trip with an observer waiver confirmation number that does not match the trip plan that was provided to NMFS, pursuant to paragraph (g)(4) of this section. Confirmation numbers for trip notification calls are valid for 48 hours from the intended sail date. If a trip is interrupted and returns to port due to bad weather or other circumstance beyond the owner's or operator's control, and goes back out within 48 hours, the same confirmation number and observer status remains. If the layover time is greater than 48 hours, a new trip notification must be made by the operator or owner of the vessel.

■ 5. In § 635.20, paragraph (e)(4) is revised to read as follows

§ 635.20 Size limits.

* * * * *

(e) * * *

(4) There is no size limit for smoothhound sharks taken under the recreational retention limits specified at § 635.22(c)(6).

* * * * *

■ 6. In § 635.21, paragraphs (g)(2) and (3), as proposed to be amended at 78 FR 52032, August 21, 2013, are further revised to read as follows:

§ 635.21 Gear operation and deployment restrictions.

* * * * *

(g) * * *

(2) While fishing with a drift gillnet, a vessel issued or required to be issued a Federal Atlantic commercial shark

limited access permit and/or a Federal commercial smoothhound permit must conduct net checks at least every 2 hours to look for and remove any sea turtles, marine mammals, Atlantic sturgeon, or smalltooth sawfish, and the drift gillnet must remain attached to at least one vessel at one end, except during net checks. Smalltooth sawfish must not be removed from the water while being removed from the net.

(3) While fishing with a sink gillnet, vessels issued or required to be issued a Federal Atlantic commercial shark limited access permit and/or a Federal commercial smoothhound permit must limit the soak time of the sink gillnet gear to 24 hours, measured from the time the sink gillnet first enters the water to the time it is completely removed from the water.

* * * * *

■ 7. In § 635.22, paragraph (c)(6) is revised to read as follows:

§ 635.22 Recreational retention limits.

* * * * *

(c) * * *

(6) The smoothhound sharks listed in Section E of Table 1 of Appendix A to this part may be retained and are subject only to the size limits described in § 635.20(e)(4).

* * * * *

■ 8. In § 635.24, paragraph (a)(7) is revised to read as follows:

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

* * * * *

(a) * * *

(7) A person who owns or operates a vessel that has been issued a Federal commercial smoothhound permit may retain, possess, and land smoothhound sharks if the smoothhound fishery is open in accordance with §§ 635.27 and 635.28. Persons aboard a vessel in a trawl fishery that has been issued a Federal commercial smoothhound permit and are in compliance with all other applicable regulations, may retain, possess, land, or sell incidentally-caught smoothhound sharks, but only up to an amount that does not exceed 25 percent, by weight, of the total catch on board and/or offloaded from the vessel. A vessel is in a trawl fishery when it has no commercial fishing gear other than trawls on board and when smoothhound sharks constitute no more than 25 percent by weight of the total catch on board or offloaded from the vessel.

* * * * *

■ 9. In § 635.27, paragraphs (b)(1)(xi) and (b)(4)(iv) are added and read as follows:

§ 635.27 Quotas.

* * * * *

(b) * * *

(1) * * *

(xi) *Smoothhound sharks.* The base annual commercial quota for smoothhound sharks is 1782.2 mt dw.

* * * * *

(4) * * *

(iv) The base annual quota for persons who collect smoothhound sharks under a display permit or EFP is 6 mt ww (4.3 mt dw).

* * * * *

■ 10. In § 635.30, paragraph (c) is revised to read as follows:

§ 635.30 Possession at sea and landing.

* * * * *

(c) *Shark.* (1) In addition to the regulations issued at part 600, subpart N, of this chapter, a person who owns or operates a vessel issued a Federal Atlantic commercial shark permit under § 635.4 must maintain all the shark fins including the tail naturally attached to the shark carcass until the shark has been offloaded from the vessel, except for under the conditions specified in § 635.30(c)(5). While sharks are on board and when sharks are being offloaded, persons issued a Federal Atlantic commercial shark permit under § 635.4 are subject to the regulations at part 600, subpart N, of this chapter.

(2) A person who owns or operates a vessel that has a valid Federal Atlantic commercial shark permit may remove the head and viscera of the shark while on board the vessel. At any time when on the vessel, sharks must not have the backbone removed and must not be halved, quartered, filleted, or otherwise reduced. All fins, including the tail, must remain naturally attached to the shark through offloading, except under the conditions specified for smooth dogfish in paragraph (c)(5) of this section. While on the vessel, fins may be sliced so that the fin can be folded along the carcass for storage purposes as long as the fin remains naturally attached to the carcass via at least a small portion of uncut skin. The fins and tail may only be removed from the carcass once the shark has been landed and offloaded, except under the conditions specified in paragraph (c)(5) of this section.

(3) A person who owns or operates a vessel that has been issued a Federal Atlantic commercial shark permit and who lands sharks in an Atlantic coastal port, including ports in the Gulf of Mexico and Caribbean Sea, must have all fins and carcasses weighed and recorded on the weighout slips specified in § 635.5(a)(2) and in accordance with part 600, subpart N, of this chapter. Persons may not possess any shark fins not naturally attached to a shark carcass on board a fishing vessel at any time, except under the conditions specified in paragraph (c)(5) of this section. Once landed and offloaded, sharks that have been halved, quartered, filleted, cut up, or reduced in any manner may not be brought back on board a vessel that has been or should have been issued a Federal Atlantic commercial shark permit.

(4) Persons aboard a vessel that does not have a Federal Atlantic commercial shark permit must maintain a shark intact through landing with the head, tail, and all fins naturally attached, except under the conditions specified in paragraph (c)(5) of this section. The shark may be bled and the viscera may be removed.

(5) A person who owns or operates a vessel that has been issued or is required to be issued a Federal commercial smoothhound permit may remove the fins and tail of a smooth dogfish shark prior to offloading if the conditions in paragraphs (c)(5)(i) through (iv) of this section have been met. If the conditions in paragraphs (c)(5)(i) through (iv) have not been met, all fins, including the tail, must remain naturally attached to the smooth dogfish through offloading from the vessel:

(i) The smooth dogfish was caught within waters of the United States located shoreward of a line drawn in such a manner that each point on it is 50 nautical miles from the baseline of an Atlantic State, from which the territorial sea is measured, from Maine south through Florida to the Atlantic and Gulf of Mexico shark regional boundary defined in § 635.27(b)(1).

(ii) The vessel has been issued both a Federal commercial smoothhound permit and a valid State commercial fishing permit that allows for fishing for smooth dogfish.

(iii) Smooth dogfish make up at least 75 percent of the retained catch on board, and no other shark species are retained.

(iv) Total weight of the smooth dogfish fins landed or found on board a vessel cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses on board or landed from the fishing vessel.

* * * * *

■ 11. In § 635.69, paragraph (a)(3) is revised to read as follows:

§ 635.69 Vessel monitoring systems.

* * * * *

(a) * * *

(3) Pursuant to Atlantic large whale take reduction plan requirements at 50

CFR 229.32(h), whenever a vessel issued a directed shark LAP has a gillnet(s) on board.

* * * * *

■ 12. In § 635.71, paragraphs (d)(6), (d)(7), and (d)(18) are revised to read as follows:

§ 635.71 Prohibitions.

* * * * *

(d) * * *

(6) Fail to maintain a shark in its proper form, as specified in § 635.30(c). Fail to maintain naturally attached shark fins through offloading as specified in § 635.30(c), except for under the conditions specified in § 635.30(c)(5).

(7) Sell or purchase smooth dogfish fins that are disproportionate to the weight of smooth dogfish carcasses, as specified in § 635.30(c)(5).

* * * * *

(18) Retain or possess on board a vessel in the trawl fishery smoothhound sharks in an amount that exceeds 25 percent, by weight, of the total fish on board or offloaded from the vessel, as specified at § 635.24(a)(7).

* * * * *

■ 13. In appendix A to part 635, section E of table 1 is revised to read as follows:

Appendix A to Part 635—Species Tables

Table 1 of Appendix A to Part 635—Oceanic Sharks

* * * * *

E. Smoothhound Sharks

Smooth dogfish, *Mustelus canis*
Florida smoothhound, *Mustelus norrisi*
Gulf smoothhound, *Mustelus sinusmexicanus*
Mustelus species

[FR Doc. 2014–18671 Filed 8–6–14; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130822745–4627–01]

RIN 0648–BD64

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Information Collection

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes an information collection program for the Atlantic surfclam and ocean quahog fishery. The intended effect of this rule is to collect more detailed information about individuals and businesses that hold fishery quota allocation in the Atlantic surfclam and ocean quahog individual transferable quota programs. This action is necessary to ensure that the Mid-Atlantic Fishery Management Council has the information needed to develop a future management action intended to establish an excessive share cap in this fishery.

DATES: Comments must be received by September 8, 2014.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2014–0088, by any of the following methods:

• *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2014-0088,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.

• *Fax:* (978) 281–9135, Attn: Douglas Potts.

• *Mail:* John K. Bullard, Regional Administrator, NMFS, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on Surfclam/Ocean Quahog Information Collection.''

Instructions: All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

Written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this proposed rule may be submitted to the Greater Atlantic Regional Fisheries Office and by email to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

FOR FURTHER INFORMATION CONTACT: Douglas Potts, Fishery Policy Analyst, 978–281–9341.

SUPPLEMENTARY INFORMATION:

Background

Section 402(a)(1) for the Magnuson-Stevens Fishery Conservation and Management Act authorizes the Secretary of Commerce to implement an information collection program if a fishery management council determines that additional information would be beneficial for developing, implementing, or revising a fishery management plan (FMP). The Mid-Atlantic Fishery Management Council requests that NMFS implement an information collection program in the Atlantic surfclam and ocean quahog individual transferable quota (ITQ) fisheries. The specific components of the requested information collection are detailed in a white paper titled, ''Data Collection Recommendations for the Surfclam and Ocean Quahog Fisheries'' that was prepared by the Surfclam and Ocean Quahog Data Collection Fishery Management Action Team, at the direction of the Council. The purpose of this information collection is to better identify the specific individuals who hold or control ITQ allocation in these fisheries. The Council will use the information collected to inform the development of a future management action intended to establish an excessive share cap as part of the Council's Surfclam/Ocean Quahog FMP.

The Atlantic surfclam and ocean quahog fisheries have been managed under an ITQ system since 1990. Vessel owners received an initial allocation of quota share based on a formula of historical catch and vessel size. Each year, the total commercial quotas for the surfclam and ocean quahog ITQ fisheries are divided among the individuals who hold quota share. Annual allocations take the form of cage tags for the standard 32-bushel (1,700L) cages, which must be used to land the product. The quota share or cage tags are both considered types of ITQ allocation, and may be leased or sold to anyone, except foreign owners.

While managed jointly, the surfclam and ocean quahog ITQ fisheries are operationally distinct. The commercial quotas, quota shareholders, and cage tags are different for the two species. In addition, vessels may not land both surfclams and ocean quahogs on the same trip. Because these fisheries are managed in the same way, this information collection program applies equally to both fisheries.

Currently, NMFS collects only basic information about the individuals or businesses that hold surfclam and ocean quahog ITQ allocations. This information is collected at the time that