Atlantic States Marine Fisheries Commission

Coastal Sharks Management Board

October 20, 2021
10:30 – 11:00 a.m.
Webinar

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 (*M. Bell*) 10:30 a.m.

2. Board Consent 10:30 a.m.
   - Approval of Agenda
   - Approval of Proceedings from February 2021

3. Public Comment 10:35 a.m.

4. Set 2022 Specifications (*K. Rootes-Murdy*) **Final Action** 10:45 a.m.

5. Elect Vice-Chair **Action** 10:55 a.m.

6. Other Business/Adjourn 11:00 a.m.

The meeting will be held via webinar, click here for details.

MEETING OVERVIEW

Coastal Sharks Management Board
Wednesday, October 20, 2021
10:30 – 11:00 a.m.
Webinar

Chair: Mel Bell (NC) Assumed Chairmanship: 05/21	Technical Committee Chair: Angel Willey (MD)	Law Enforcement Committee Representative: Greg Garner (SC)
Vice Chair: VACANT	Advisory Panel Chair: Vacant	Previous Board Meeting: February 3, 2021
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from February 2021

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

4. Set 2022 Specifications (10:45-10:55 a.m.) Final Action

Background

- NOAA Fisheries published proposed 2022 Coastal Sharks Specifications in August. The proposed rule includes a season start date of January 1 and quotas for the Atlantic Region and No Regional Quota Management Groups for 2022 are unchanged from 2021 levels.
- The fishing season will start with a commercial retention limit of 55 for Large Coastal Sharks other than sandbar sharks per vessel per trip. The retention limit of Blacknose sharks will start at 8 sharks per vessel trip.

Presentations

- NOAA Fisheries Proposed Rule for 2022 Specifications by K. Rootes-Murdy

Board actions for consideration at this meeting

- Set the 2020 coastal shark specifications including commercial opening dates and commercial possession limit by management group.

5. Elect Vice-Chair

6. Other Business/Adjourn

Coastal Sharks

Activity level: Low

Committee Overlap Score: low (some overlap with South Atlantic Board species)

Committee Task List
• TC – August 1st: Annual compliance reports due

TC Members: Angel Willey (MD, Chair), Bryan Frazier (SC), Donna McDowell (GA), Brent Winner (FL), Greg Skomal (MA), Chris Scott (NY), Lee Paramore (NC), Conor McManus (RI), Greg Hinks (NJ), Jack Musick (VIMS), Matt Gates (CT), Tobey Curtis (NOAA), Michael Frisk (NY), Enric Cortes (NOAA), Scott Newlin (DE), Julie Neer (SAFMC), Kirby Rootes-Murdy (ASMFC)

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

COASTAL SHARKS MANAGEMENT BOARD

Webinar
February 3, 2021

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

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Draft Proceedings of the Coastal Sharks Management Board Webinar
February 2021

ATTENDANCE

Board Members

Dan McKiernan, MA (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
David Borden, RI (GA)
Justin Davis, CT (AA)
Rob LaFrance, CT, proxy for B. Hyatt (GA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)
Heather Corbett, NJ, proxy for J. Cimino (AA)
Tom Fote, NJ (GA)
Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
John Clark, DE, proxy for D. Saveikis (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Luisi, MD, proxy for B. Anderson (AA)
David Sikorski, MD, proxy for Del. Stein (LA)
Lewis Gillingham, VA, proxy for S. Bowman (AA)
Chris Batsavage, NC, proxy for J. Batherson (AA)
Jerry Mannen, NC (GA)
Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Mel Bell, SC, proxy for P. Maier (AA)
Malcolm Rhodes, SC (GA)
Chris McDonough, SC, proxy for Sen. Cromer (LA)
Doug Haymans, GA (AA)
Spud Woodward, GA (GA)
Erika Burgess, FL, proxy for J. McCawley (AA)
Rep. Thad Altman, FL (LA)
Karyl Brewster-Geisz, NMFS

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

Ex-Officio Members

Angel Willey, Technical Committee Chair

Staff

Bob Beal
Toni Kerns
Kristen Anstead
Maya Drzewicki
Emilie Franke
Sarah Hylton
Chris Jacobs
Jeff Kipp
Savannah Lewis
Kirby Rootes-Murdy
Sarah Murray
Joe Myers
Marisa Powell
Julie Simpson
Caitlin Starks
Deke Tompkins
Geoff White

Guests

Karen Abrams, NOAA
Bill Anderson, MD (AA)
Pat Augustine, Coram, NY
David Behringer, NCDENR
Rick Bellavance, N. Kingston, RI
Alan Bianchi, NC DENR
Rob Rourdon, MD DNR
Jeff Brust, NJ DEP
Sam Calagione, Brown Univ.
Patrick Cassidy
Mike Celestino, NJ DEP
Joe Cimino, NJ (AA)
Richard Cody, NOAA
Allison Colden, CBF
Jessica Daher, NJ DEP
Bob Danielson
John DePersenaire, RFA
Renee DiPippo

Guests (continued)

Chris Dollar, CBF
Ray Draper, King George, VA
Guy DuBeck, NOAA
Ben Duffin, NOAA
Julie Evans
Lynn Fegley, MD DNR
Cynthia Ferrio, NOAA
James Fletcher, Wanchese Fish Co
Kristin Foss, FL FWC
Alexa Galvan, VMRC
Pat Geer, VMRC
Jim Gilmore, NY (AA)
Angela Giuliano, MD DNR
Kurt Gottschall, CT DMF
Jon Hare, NOAA
Hannah Hart, FL FWS
Jay Hermsen, NOAA
Greg Hinks, NJ DEP
Carol Hoffman, NYS DEC
Asm. Eric Houghtaling, NJ (LA)
Rachel Howland, NC DENR
Bill Hyatt, CT (GA)
Dylan James
John James
Adam Kenyon, VMRC
Britt Kostraba
Chip Lynch, NOAA
John Maniscalco, NYS DEC
Cami McCandless, NOAA
Genine McClair, MD DNR
Kim McKown, NYS DEC
Conor McManus, RI DEM
Pat Moran, MA Env. Police
Jerry Morgan, Madison, CT
Clinton Morgeson, VA DWR
Allison Murphy, NOAA
Kennedy Neill
Derek Orner, NOAA
Cheri Patterson, NH (AA)
Kelly Place, Williamsburg, VA
Nick Popoff, FL FWS
Jill Ramsey, VMRC
Adam Rettig, NOAA
Mark Sampson, Ocean City, MD
Sara Saunders, UFL
CJ Schlick, NC DENR
Mike Schmidtke, SAFMC
Tara Scott, NOAA
Chris Scott, NYS DEC
Andrew Sinchuk, NYS DEC
Thomas Sminkey, NOAA
Michael Thompson, NC DENR
Beth Versak, MD DNR
Craig Weedon, MD DNR
Ritchie White, NH (GA)
Kerry Whittaker, MMA
Meredith Whitten, NC DENR
Charles Witek, W. Babylon, NY
Chris Wright, NOAA
Sarah York, NOAA
Rene Zobel, NH F & G

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, February 3, 2021 and was called to order at 10:15 a.m. by Chair Chris Batsavage.

CALL TO ORDER

CHAIR CHRIS BATSAVAGE: Welcome everyone to the Coastal Sharks Management Board meeting. My name is Chris Batsavage; I'm the Administrative Proxy from North Carolina. I'll be Chairing the meeting.

APPROVAL OF AGENDA

Start off by the Board Consent for Approval of the Agenda. Are there any changes requested by folks of the Management Board for the agenda?

MS. TONI KERNS: No hands are raised.

CHAIR BATSAVAGE: With that we'll consider the agenda approved.

APPROVAL OF PROCEEDINGS

CHAIR BATSAVAGE: Next is Approval of Proceedings from the February, 2020 Management Board meeting. Are there any changes, deletions, et cetera from Board members for the proceedings?

MS. KERNS: No hands are raised.

CHAIR BATSAVAGE: Then we'll also consider those approved by consent.

PUBLIC COMMENT

CHAIR BATSAVAGE: Next up is Public Comment. This is an opportunity for the public to provide comments regarding coastal sharks, or anything that isn't on the agenda. Do we have any members of the public lined up that would like to comment at this time?

MS. KERNS: No hands are raised at this time.

CHAIR BATSAVAGE: I can move into the agenda items.

REVIEW OF THE NOAA FISHERIES COOPERATIVE SHARK TAGGING PROGRAM

CHAIR BATSAVAGE: The first one is Review of the NOAA Fisheries Cooperative Shark Tagging Program**,** and Cami McCandless from the Northeast Fisheries Science Center will be giving us a presentation on that, so Cami, it's all yours whenever you're ready to go.

DR. CAMI McCANDLESS: All right, I'm going to see if I'm showing my screen right. Can you guys hear me?

CHAIR BATSAVAGE: Yes.

DR. McCANDLESS: Great, can you see my screen?

CHAIR BATSAVAGE: We do.

DR. McCANDLESS: As mentioned, I'm Cami, the one without the beard in the photo. Before I review the Cooperative Shark Tagging Program, I'm going to give you a little background on the Program I lead, Apex Predators Program, which manages the tagging program, and is located at the NOAA Field Lab in Narragansett, Rhode Island.

Our work focuses on setting the life history of federally managed species, using a variety of platforms, in order to provide management with the information needed to help successfully manage these species. Platforms include opportunistic sampling at recreational sportfishing tournaments, like seen in the first picture here, where you can see Lisa Natanson, just recently retired, dissecting a shortfin mako at the Star Island Shark Tournament out of Montauk, New York.

We obtained samples from commercial incidental catch, and by going out on commercial fishing trips as well. We also conduct fishery independent surveys in the inshore and coastal waters along the Atlantic. The two pictures here are of a juvenile sandbar shark, and an adult sand tiger, that were

tagged and released during our longline survey in Delaware Bay.

Last but not least, our Cooperative Shark Tagging Program. This year, unfortunately, due to the virus, tournaments, other fishery dependent sampling, and our surveys were canceled. But the ocean was still open. Commercial fishers were able to get out there and make a living. Recreational anglers were still able to get out on the water, and often had more time to do so.

Boats continued to participate in our tagging program during the pandemic. Our summer tag distribution to commercial and recreational fishers was up 7 percent from last year, and our recapture reporting rate was up 25 percent from last year, based on online mail reporting. Our tagging program is a collaborative effort between recreational anglers, the commercial fishing industry, and NOAA Fisheries, to learn more about shark life history.

Since launching in 1962, program participants throughout the North Atlantic have tagged more than 300,000 sharks, over 50 species, and there have been more than 18,000 recaptures of these sharks, providing movement data on over 30 species. Much of this data was published recently, in 2019, and a shark tagging Atlas through Marine Fisheries Review.

Our tagging program is the longest running tagging program in the world, and NOAA Fisheries oldest citizen science program. We primarily use two tag types, both low tech, conventional tags that have to be recaptured and reported on how to obtain this metadata. We have Rototag, you can see up here at the top, the fin tag hooked into the first dorsal.

It's the same kind of tag that is used on cattle ears for identification, and we primarily use these tags during our research surveys on small sharks like this spiny dogfish seen here. Those that you noticed in previously slides are juveniles of larger shark species, like the sandbar shark in the previous slide.

Second tag type is the M-tag, which is seen here. It is named after Frank Mather, who originally designed this tag type for use on bluefin tuna. This tag is primarily used on sharks 3-feet and larger. It has the steel dart tip for penetrating the muscle and locking in place, and it also has a capsule which contains recapture instructions written in five languages; English, Spanish, French, Japanese, and Norwegian. You can see the placement for insertion of the tag at the base of the first dorsal fin here on this blue shark. These are the tags that our participants use in the program. Participation in the program does require following all local, state, and federal regulations in the areas fished.

The original objective of this program was to document the distribution and movements of Atlantic sharks, while promoting conservation, protection, release. However, given the long-term continuous time series, this program has not only been instrumental in shaping what we know about shark migration and distribution.

For instance, our data was the basis for defining essential fish habitat for managed shark species in the Atlantic, and is used to update these designations regularly. But it has also been used to define stock structure, document longevity, and validate age and growth in several species; all information essential for stock assessments and effective management.

Our programs offered over 40 peer reviewed publications using our tagging program data over the years, and there are many more published studies using our tagging data that we did not participate in as co-authors, but we supported the work, and we've conducted countless analyses of our tagging data in the gray literature and in working papers for stock assessments and status updates. Now, we have over 50 years of data.

We're seeing not only a growing knowledge base for many species, but also seeing to the distribution over time for some species. Our most tagged shark

is the blue shark. It accounts for 42 percent of all fish tagged, and has a 7 percent recapture rate. Blues, as many of you know are a common pelagic species in the northeast, and since they honestly don't taste that great, they are often tagged and released when caught.

The longest distance traveled was a blue shark tag off of Long Island right around here, and recaptured way down here about 300 miles northwest of Ascension Island off the African Coast, 4,000 nautical miles away. As you can see from the bottom left here, we have a lot of transboundary movements in the North Atlantic, and over here on the right is pulled from one of Apex's publications in 2008, demonstrating the transboundary movements throughout the North Atlantic.

This analysis provided the evidence needed to assess blue sharks as a unique stock in the north Atlantic Ocean. Mark recapture there for both the blacktip and the bonnethead have provided evidence for separate stocks in the Gulf of Mexico and Atlantic, with over 13,000 blacktip and 5,000 bonnethead sharks tagged. The recapture rates of 4 and 5 percent respectively.

There has been no documenting exchanged between regions for these species. The blacktip shark is now assessed as separate stocks, and the bonnethead will be assessed separately in the future. Mark recapture for the sandbar shark is over 43,000 tags and a 5 percent recapture rate, which clearly shows exchange between the Gulf and Atlantic waters off the east coast of the U.S. This species is assessed as a single stock. Recaptures also provide a direct measure of minimum life span. Sandbar sharks are estimated to live longer than 30 years, based on age and growth studies. The longest time between the tag and recapture of a fish is from our database, and it's plus 28 years. This was a sandbar shark that was tagged as a juvenile along the Virginia eastern shore, and recaptured off of Florida. Timeframes and fish measurements between tag and recapture events, can be used to validate estimated growth rates as well as age.

Like the blue shark, tiger sharks are not prized for the meat, but they are an impressive species, sometimes retained as trophies. They are not as common as the blues, and they also have pretty specialized teeth that can easily cut the line where the fish could be tagged. But we do have over 11,000 tagged, also with a 7 percent recapture rate, like seen in the blue sharks.

The tiger shark actually provides a good example of how decades of data can provide new information on species movements and distribution, with each decade if not sooner, providing updates for essential fish habitat designations. It was actually over three decades before we had a tiger shark crossing the Mid-Atlantic Ridge in 1995.

Before this time, it was not known that tiger sharks made trans-Atlantic movements. This was a tiger shark tagged as a young of the year off Saint Augustine, Florida, and recaptured two years later off Guinea-Bissau, South Africa, off the African Coast, traveling over 3,600 nautical miles, which is still a distance record today for this species, as far as we know.

One of the benefits of these low-tech tags is the lower cost, giving us the ability to put out more tags. Now with the time I have left, I want to turn to looking at how our data in combination with other data is being used, you know more bang for your buck. It's always good to work together.

For the common thresher shark, which is also retained as catch, due to the high-quality meat. It's important to use multiple resources if they're not often tagged and released. We coauthored a paper that just came out in Fishery Bulletin and you've received, that combines our tagging data with other fishery dependent data, to look at thresher shark, seasonal distributions towards updating essential fish habitat.

This figure shows the combined thresher data from 1964 to 2019, plotted in half degree squares on a

large scale, and overlaid over average sea surface temperature, averaged across 2009 to 2016. The inset in here is the Gulf of Mexico, and here in the summer, because it is so hot in the summer, apparently.

We do have two grid squares with data, even though it is hard to see there. There are two grid squares that contain thresher data from our data sources used for the publication. Additionally, we are looking at our tagging data to vet changes over time, and not just changes to our knowledge base.

Here you're looking at some preliminary figures displaying the percent catch for tiger shark tag and recapture data by decade and latitude, split out by the warmer and colder months. Basically, what you're seeing is that in the colder months here, there is no major shift in the Florida distribution of tagging events across decades. It remains off northern Florida/Georgia area. But for the warmer months the core does shift in the final decade further north, off of North Carolina. This graph shows there is a significant difference between the four means in the last two decades. This slide shows preliminary figures comparing our tag/recapture data to satellite telemetry data. This is where, you know Neil Hammerschlag has done on core areas based on satellite kernel density estimation of shark positions for three-year time periods starting last decade, over the same breakdown of the months into cold and warm periods.

That was done with the tagging data. As seen before during the cold months, the core area remains low on the coast off of Florida, further south than what our tagging distribution data showed, but off the Florida coast. But during the warmer months you can see that there is the core distribution down here.

We see a core area up here off of North Carolina, during the Mid time period, and all the way up off of southern New England during the final time period, although they did all retain that low report area across the time series. Here, this figure displays the habitat suitability areas model for tiger sharks, based on sea surface temperature data.

This time, the warm months are on the bottom, just to confuse you, not intentional. But you can see across the timeframe for the warmer months the suitable habitat has come further north in recent years, with ocean warming in the region as well. It's likely, as with other species, that temperature is driving some of the changes we are seeing.

But it is important to remember that abundance likely also plays a role. As you can see, back during the eighties, before populations started to decline due to fishing pressure, in the late eighties and early nineties there was a smaller peak in the tagging distribution data in the northern latitudes off southern New England, as was seen in the later years of the telemetry data.

Our Atlantic coastal longline survey also shows an increasing trend in relative abundance, since the implementation of the shark FMP in 1993 across all size classes, but driven by juveniles. This increased abundance, as well as increased suitable habitat, could allow for the species to spread out to avoid too much intraspecific competition for resources.

Another example of this is the decline we have seen in our tagging and survey catch records for smooth dogfish in Delaware Bay during the summer months. At the same time, we're seeing increases in juvenile sandbar shark tagging records in the Bay. We do have a recruitment index from our surveys for juvenile sandbar sharks in the Bay for our assessments, it's highly variable though. Our Atlantic coastal survey here is what's displayed, shows an increasing trend across all size classes, juveniles, matures.

But it is also driven by juveniles here, you can see. Our temperature data from our survey is sporadic, due to equipment failure. But we were able to look at the Delaware Division of Fish and Wildlife Trawl Survey bottom temperature data, to look for trends

to see if warming temperatures are potentially driving smooth dogfish out of the Bay earlier.

We did a correlation analysis using time series of monthly summer trawl survey temperature data, and from our Delaware Bay Longline Survey using two size classes of juvenile sandbar sharks and smooth dogfish, to look for significant relationships. There was only one significant relationship with smooth dogfish, and that was a negative relationship with larger juvenile sandbar sharks. This could mean that there is some predation pressure, but more likely that there is some habitat for fishing, or the sandbars are beating the smooth dogfish to the hooks. During this preliminary analysis, we did not include sand tiger trends in the Bay, which our survey also shows are increasing, and our catch depredation shows, because they leave those distinctive bite marks, and also come up on the fish moving again.

They do eat at least hooked large smooth dogfish, and occasionally small ones in the Bay. Last, but certainly not least, I wanted to touch on post release survivorship, concentrating on two species just mentioned that I'm familiar with from my own work, and are commonly encountered along the coast. Both the sandbar and the sand tiger are prohibited species. The sand tiger primarily due to their reproductive characteristics, but also in part due to past declines and uncertainty, and the sandbar, which is currently rebuilding from an overfished status.

Since both species are showing positive trends, encounter rates are increasing, especially with juveniles, as their increases are the first sign of the recovery process, before they recruit to the inshore population. We do not promote targeting prohibited species, but these species are often encountered, regardless of the target. Safe handling and release practices are needed to ensure fish survival, whether tagging or not.

This study here by Abbey Spargo, her Masters research on sandbar shark post-release survivorship from Rod and Reel captures. We were directly involved in the study. This was a captive study of juveniles from Delaware Bay, using blood analyses to determine stress and recovery.

The sharks were tagged and acclimated to the tank, and then they were hooked and fought on the line until exhaustion, up to 20 minutes, and blood was analyzed at time intervals, to determine recovery. Physiological recovery was attained within 6 to 10 hours, and long-term survivorship was also noted with conventional tag recaptures for up to a year after release.

I can attest, this is a healthy, hearty species. It's got a firm, muscular body, we've had many recaptures ourselves during our longline and gillnet surveys that were tagged during these surveys, and released in poor condition, but were caught months and years later. We were not directly involved in Jeff Kneebone's research on juvenile sand tiger sharks from PKD Bay in Massachusetts. I believe that's Plymouth Kingston Duxbury Bay. But similar methods were used to Abbey's study, and we did provide conventional tags for his study.

Sharks were fought for three minutes, based on recreational catches in the area, and recovery time was between 12 to 24 hours. Long term survivorship was noted from a conventional tag/recapture two years after the study, and additionally through acoustic monitoring of sharks that were fought and released, but not blood sampled.

Although, gut hooked sharks, which is common for this species, as they swallow their prey whole likely lead to delay mortality for some fish. From our longlining experience and gill netting, this species is certainly better conditioned than the sandbar to be restrained in the water, immobile on gear, or alongside of a boat for longer periods of time, without morbid consequences. It's due to its natural tendency to be able to hover in the water column, pump water over its gills. But unlike the sandbar, the sand tiger's bottom is not firm, and when removed from the water is more prone to injury, especially larger sizes. All this information

reinforces that volunteers within our program must follow the guidelines we provide, for safe release practices that minimize handling.

They need to leave that shark in the water, and remove the hook when possible, preferably using a de-hooker. Circle hooks are best, as they help to prevent gut hooking, although not always, especially in sand tigers. But it does reduce it. They should absolutely not drag the shark on dry sand or on a hot boat deck. They need to treat the shark gently, avoiding gills, don't sit on them or hold the jaws open for pictures.

Prohibited species need to be released immediately, and if permitted to tag, they must do so within the time it would take to release the shark from the gear. I hope everybody would be willing to report suspected and documented violations to me, as we cannot educate our taggers if we are not made aware of the violations for our guidelines, or federal and state regulations.

When we contact our taggers about incidents, most taggers want to do the right thing, and correct their behavior. Repeat offenders will not be issued anymore tags, given a citation. But we need to be told that citations were given. We appreciate the data, which goes to good use, but we don't want it at the expense of a shark's life.

In closing, when this program started it is reasonable to say there was more incorrect information back in the sixties than correct information about many shark species. But I hope this presentation has shown that the Cooperative Shark Tagging Program does make a difference to science management and conservation, and in a bottom-up way that emerges from the participants themselves.

In an e-mail exchange with a charterboat captain participant this summer, I think he put it nicely when he emphasized that this program inspires taggers to improve their conservation practices, spread the word, and it promotes catch and release, and it adds an element of collaboration, and set regulations for achieving common goals. With that I end, and I'm not sure what the timing is, but if there is time for questions, I would be happy to take them. If not, please e-mail me at cami.mccandless@NOAA.gov thanks.

CHAIR BATSAVAGE: Thank you, Cami, for the very interesting presentation, a lot of good information there. I think we have a few minutes for questions from Board members, or comments on this. If we don't get to you, I definitely encourage you to e-mail Cami with any questions or request for more information. I'll see if there are any questions from Board members at this time.

MS. KERNS: You have three Board members, Mel Bell, John McMurray, and Maureen Davidson.

CHAIR BATSAVAGE: Okay, Mel Bell.

MR. MEL BELL: Thanks Cami, great presentation. Just one comment really quickly. We're big supporters of the program down here in South Carolina, and I do appreciate you emphasizing the handling practices and all of that. One thing to keep in mind, in terms of compliance with state requirements, and I don't know that we're the only state.

But we do have a state law which requires that anyone tagging fish in state waters has to have a permit from us, it's a free permit, but they have to have that state permit. Just having the federal permit, or participating in your program, does not automatically allow them to do that in state waters. To the degree that you can make that clear to folks.

You know you mentioned ensuring that they comply with state law and all. But I don't know that that is unique to us, but it is certainly something that has been in place here for a while. We would appreciate it, because sometimes we get folks that don't know that, and they might find themselves a little crossway with law enforcement. Thanks so much for the program, and all you guys do as well.

DR. McCANDLESS: Thank you, I appreciate that comment. I am aware that South Carolina, and I believe Florida as well require a tagging permit. We do tell our taggers when we speak to them and in e-mails when they sign up, that they must check state regulations, and anywhere they're tagging locally for them to review the regulations.

We were not as forceful about this until more recent years, so there may be some people that have been tagging for years that are not aware to remember to go back and check. Things have changed. We've been sending out little notices with tags, as we send them out more tags as they request them, to remind them of this, so thank you.

CHAIR BATSAVAGE: Next up is John McMurray.

MS. KERNS: You have Maureen and then John McMurray.

CHAIR BATSAVAGE: Was it John or Maureen? Whoever wants to go first. I thought you said, John, but either way.

MS. MAUREEN DAVIDSON: John.

MR. JOHN G. McMURRAY: Okay, I'm off mute now. The organizer had me on mute, sorry about that. Cami, thank you for that presentation, it was interesting, particularly the part about post release survival. I'm wondering if there are any parameters on who you issue tags to, or any sort of qualifications that that person must have. I'm asking this, because you see on social media somewhat frequently, photos of guys who catch sandbars, sand tigers, and dusky's from the beach.

They drag them up on the beach, they take photos, and then justify it by saying they are putting tags in them. I'll let you speak directly to this, but I'm pretty sure that is not legal in New York, and for good reason, because it is probably quite a bit of discard mortality. I'm wondering if there is consideration of where they're fishing from, and what their plan is?

DR. McCANDLESS: Anybody is welcome to volunteer. We do not restrict who does volunteer. I do ask, when I have the opportunity, if they are fishing from shore or from the water. We do emphasize that they have to follow guidelines by the state, and they must check those guidelines beforehand.

In some cases, more recently, people when they register, the state they register from does not necessarily mean that sort of fishing. But if I find out that they are fishing in areas where stricter regulations are in place, I do tell them to check with those states before I give them any tags, to see if they can even tag where they want to tag.

But as I said, we don't refuse volunteers. We don't have strict regulations or an official training for them. We do provide them with our guidelines. When people do inform me of things like this, I do call the taggers, if I do have their information. If it's obvious from, if someone sends me to a website or something, I do call them up and talk to them about the issues.

They are nearly always apologetic, and I do see better behavior, but I have to be made aware of these things. Sometimes these things go around and they don't get to me, so I don't know. Then also, we've got to keep in mind with some things that are posted online, a snapshot in time is a picture, and you can't always tell what's going on.

I was alerted to one occasion where I contacted the tagger. They actually sent me a video of the event, and it was actually not a bad interaction. It looks like they were posing with a shark, but they were actually, through the video you could see they just glanced up at the time the picture was taken. The shark was actually in the water surf area.

You've got to keep that in mind when you look at these things online, but we do want to be made aware. Let me know, I don't mind if I get flooded. I want to nip this in the bud the best I can. We deal

with it annually, more so with the increase in shore-based anglers. But we do have some really good responsible taggers in the program, the majority of them are.

MR. McMURRAY: Okay thank you. That is good to know. Just to give you a heads-up though. It is becoming somewhat pathetic, in the fact if folks see it on social media and they think they could do it. But I'll have Maureen speak a little more to that.

CHAIR BATSAVAGE: Maureen, do you have a quick comment based on what John just mentioned? If so that's great, then we're going to have to probably end this. If any other Board members have questions or comments, definitely reach out to Cami. I think a lot of us have these same questions John has brought up. Maureen, to this point.

MS. MAUREEN DAVIDSON: Cami, thank you very much for your presentation. You're collecting really valuable information through the Cooperative Shark Tagging Program. It's so good to see how the information is being used. Yes, speaking from the New York side. We do seem to have some shoreside anglers who are targeting some of the prohibited species of shark, and they don't seem to be handling them responsibly.

Obviously, we've had this really big concern as to how we can sort of control their behavior. I'm very happy to know that you're willing to accept reports from us, if we're able to document people who are mishandling the shark, or if they're sort of showboating that they caught a shark, and they've got to take their picture and put it on Facebook.

Also, New York State is going to think about what other actions we might be able to take to see if we can't sort of, if not control who gets the tag, perhaps to see if we can control their behavior. Our concern is that some anglers are not handling the sharks that they catch from the shore responsibly. But I think we'll be in touch with you, and we'll let you know what sort of steps New York state will be taking, to sort of help remedy the issue. But thank you very much for your presentation.

DR. McCANDLESS: You're welcome, and thank you. I look forward to working with you.

CHAIR BATSAVAGE: Okay, thank you for that, Maureen and Cami. Let's go ahead and move on to the next agenda item. I know there were a couple members of the public with their hands up. If we have time at the end, maybe we can go to them really quickly. But I do want to make sure that we get done with these next couple of agenda items to stay on schedule. I appreciate everyone's understanding of that.

UPDATE FROM NOAA FISHERIES ON HIGHLY MIGRATORY SPECIES MANAGEMENT

CHAIR BATSAVAGE: Next up will be an update from NOAA Fisheries on Highly Migratory Species Management, and Karyl Brewster-Geisz will be giving us that presentation, so Karyl, whenever you're ready.

MS. KARYL BREWSTER-GEISZ: Hello, this is Karyl. I will try to keep this short. I don't have as many slides or as many pretty pictures as Cami, so I apologize for that. It has been a long time since we've given the Board an update about what we've been doing, so that is what I'm here today to do.

I'm going to start with Draft Amendment 14. This is an amendment that we released for public comment in September of last year. The comment period closed December 31, so we are currently reviewing all the comments we received. In short, what we're trying to do with Amendment 14 is reestablish a new framework for setting up shark quotas.

Then this new framework would be consistent with the revised National Standard 1 Guidelines that the Agency released a few years ago. In doing this new framework, we're also trying to increase our management flexibility, so we can react to any

changes, both in the fishery itself and in the underlying science.

There are two things I want to make sure to point out. Amendment 14 does not change anything, in regard to the Annual Catch Limit or ACL for prohibited shark species. That remains 0. As long as the species is prohibited, that ACL will be 0. The other thing Amendment 14 does not do, is it does not change the quotas automatically.

Once we establish a framework Amendment 14, we will follow up with a future rule, to then go through and change all the quotas, based on what is finalized in Amendment 14. As I mentioned before, we did go out with the proposed Draft Amendment last year, and this is just a quick slide showing what our preferred options were. There is a lot more detail within Draft 14, and given the time I'm not going to go through a lot of the detail here. But I am going to point out some of the major changes. One of those is Topic C, the annual catch limit development options. Under Option C2, we would change to actively managing both the commercial and the recreational sectors. This is a change.

Currently right now we only actively manage the commercial sector, so we would start actively managing the recreational sector as well. The other big topic here is Option C5, where we are proposing to remove quota linkages in the commercial fishery. If you remember, in the Atlantic the large Coastal Sharks and the Hammerhead Management Groups are linked, so if one quota is met, both management groups are shut down together.

Under Option C5, which is our preferred option, if hammerhead shark quota was reached, large coastal would remain open, and vice versa. One of the other major things that I see would be Option E3. Currently we rely on the stock assessments to help us determine the overfishing status. If the stock assessment says the stock is overfished, or overfishing is occurring, we keep that overfishing status until the next stock assessment, which could be 10, 15 years in the making.

Under Option E3, we would use a three-year average of fishing mortality, and change that overfishing status if we are under the overfishing limit. We would no longer wait for a stock assessment; we would use the data we have available. There is a lot more, obviously that we're working on in Draft Amendment 14, so I'm happy to answer any questions after the fact.

This is a pretty picture of basically all we're doing in Draft Amendment 14 and the overarching framework. We would have the overfishing limit, we would establish an ABC Control Rule, which is under the preferred alternative. We're looking at a tiered approach. Using management uncertainty, we would reduce the acceptable biological catch to create the annual catch limit.

We would split that up between the commercial and the recreational sector. From the commercial sector we would remove any commercial dead discards that we are estimating, in order to derive commercial quota. It is a change from our current framework. Of course, any good management relies on our stock assessments.

This past year we had three stock assessments that we are still reviewing, so none of this is final yet. The Atlantic blacktip shark was the first assessment since 2006. Preliminary results show the stock is healthy. Porbeagle shark was assessed through ICCAT. Preliminary results are that it remains overfished, but overfishing is not occurring. Then lemon shark was a student paper that was published in a peer reviewed journal.

We're reviewing whether or not we can use those results, and that indicates lemon shark is also healthy. We're working on finalizing Amendment 14. This includes reviewing all the comments we received, along with working with the Southeast Fisheries Science Center on finalizing what that tiered ABC Control Rule would look like.

We're hoping to release final Amendment 14 later this year. As I mentioned before, once that is final, we will be doing a follow-on rulemaking that would implement that framework across all of our shark species and management groups. It would include all the recent stock assessments, so those that I just mentioned, along with say the sandbar shark assessment, which was finalized a few years ago but not yet, it didn't result yet in any changes, because we've been waiting on Amendment 14. Lastly, really quick, we have been working on a comprehensive review of the entire shark fishery.

Looking at the commercial fishery, looking at the recreational fishery, looking at bycatch across, and other fisheries that interact with sharks, and trying to figure out what is the next step we should be taking, in terms of the shark fishery? As you all know, we have not been landing the commercial quota in years, so why is that, and what can we do to actually improve that situation?

We're also looking at depredation, so shark depredation which is sharks eating other target species, has been an increasing hot topic. We regularly receive e-mails or phone calls from a number of constituents throughout the region, including the South Atlantic Council and the Gulf of Mexico Fishery Management Council, about their concerns for increasing shark depredation. It seems to happen in all fisheries, Gulf of Mexico and the Atlantic up and down the coast, and is impacting a lot of other fisheries, such as snapper grouper, for example.

There is limited research on the scope and extent of this issue, so we have identified it as a management-based research priority in our management research needs and priority document, and we are looking to see what we can do about it in our comprehensive Shark Fishery Review or SHARE. That is all I have to share with you, at least today. I'm happy to take any questions if there is time, otherwise feel free to send me an e-mail or give me a call.

CHAIR BATSAVAGE: Thanks, Karyl, we appreciate the update. I guess we have time for maybe one question from the Board if they have one. If not, I definitely encourage you to contact Karyl. I suspect we'll be hearing more about these activities and updates as they develop. Toni, are there any Board member with a question?

MS. KERNS: Chris, there are no Board members, no sorry about that, Lewis Gillingham just raised his hand.

CHAIR BATSAVAGE: Okay Lewis, go ahead.

MR. LEWIS GILLINGHAM: Thanks, Chris. Karyl, I always enjoy your presentations. To distill it down, what is the logic behind eliminating the linkages for the commercial quotas? I think it seems to work well. I think we've got other issues with marketing that has made the commercial quota unlikely to get caught, but thank you.

MS. BREWSTER-GEISZ: I think the primary reason for removing it is our stock assessments are getting more and more species specific. There comes a point when we have several stock assessments, and do you start opening and closing and linking a whole bunch of stocks as you are removing them from being in management groups?

We are trying to keep it simpler, if you would, and as we have a new stock assessment, move toward more species-specific management, which means the linkages could get really complicated. Instead, we will be looking at the stock assessment and pulling out any commercial discards that we are estimating could happen in that fishery. It could result in smaller commercial quotas, in order to account for any of those commercial discards that might happen, if other species remain open.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIR BATSAVAGE: Thanks, Karyl for that, and thank you for the question, Lewis. Just in the interest of time, we'll move on to the next agenda item, and that is to Review and Populate Advisory

Panel Membership. For that I'll turn it over to Tina Berger, and Tina, whenever you're ready.

MS. KERNS: Chris, I don't know if Tina had to step away. I just got an e-mail. Kirby, do you have that list that you could just go to?

MR. ROOTES-MURDY: I can pull up, or we can post if need be the memo from the meeting materials, if that's helpful.

MS. KERNS: Yes.

MR. ROOTES-MURDY: Just give me a second and we'll get there.

MS. KERNS: I have it, Kirby.

MR. ROOTES-MURDY: Okay, if you want to pull it up.

MS. KERNS: Yes, we have Rick Bellavance was nominated to the Coastal Sharks Advisory Panel. Rick is a commercial rod and reel fisherman, a charter and party boat captain, and he would be from the state of Rhode Island, and he is being nominated to this AP.

CHAIR BATSAVAGE: Thank you, Toni, any questions or would any Board member like to make a motion?

MS. KERNS: You have Eric Reid.

CHAIR BATSAVAGE: Eric.

MR. ERIC REID: I would move to appoint Rick Bellavance to the Coastal Shark AP.

CHAIR BATSAVAGE: Thanks, Eric, do we have a second?

MS. KERNS: You have Roy Miller.

CHAIR BATSAVAGE: Okay, thank you, Roy. Any discussion on the motion? The motion is to move to appoint Rick Bellavance to the Coastal Sharks Advisory Panel. Is there any opposition to the motion?

MS. KERNS: I see no hands up in opposition.

CHAIR BATSAVAGE: Great! Then it's approved by unanimous consent. Thank you, and congratulations, Rick. Next, last on the agenda it there any other business that Board members have for coastal sharks?

MS. KERNS: I don't see any Board members with their hands up. You still do have that one member of the public.

CHAIR BATSAVAGE: Okay, and Toni, this is a time check. I know we're a little bit over. Do we have time for a quick comment from the public?

MS. KERNS: I think if Julie can limit her comment to one minute that would be great, just so folks can have a quick biological break between meetings.

CHAIR BATSAVAGE: Good, great, so Julie, please feel free to provide your comments or questions to the Board, thanks.

CAPTAIN JULIE EVANS: Thank you, Mr. Chair, for allowing me to speak. I just want to say that, as a person who has been in the commercial and charterboat industry here in Montauk, we do so appreciate the shark research that Cami has done here. It's a very important economic driver to our little coastal, crazy town.

The research that has gone into it and the participants have always enjoyed getting their information back when they tagged shark on the daybreak back in the day. I just want to reinforce that not only is it a great research tool, and we so appreciate it, but it's also very much a part of our economy here. Thank you.

CHAIR BATSAVAGE: Thank you, Julie, appreciate those comments.

ADJOURNMENT

CHAIR BATSAVAGE: I think unless there is any opposition to it, I think we can go ahead and adjourn the meeting. With that we're adjourned, thank you, everyone.

(Whereupon the meeting convened at 11:05 a.m. on Wednesday February 3, 2021.)

§ 74.702 [Amended]

■ 9. Amend § 74.702 by removing the second sentence of paragraph (a)(1).

§ 74.786 [Amended]

■ 10. Amend § 74.786 by removing the second sentence of paragraph (b). Amend § 74.1201 by revising paragraph (j) to read as follows:

§ 74.1201 Definitions.

* * * * *

(j) *AM Fill-in area.* The area within the greater of the 2 mV/m daytime contour of the AM radio broadcast station being rebroadcast or a 25–mile (40 km) radius centered at the AM transmitter site.

* * * * *

§ 74.1202 [Amended]

■ 11. Amend § 74.1202 by removing paragraph (b)(3).

■ 12. Amend § 74.1235 by revising paragraph (d) to read as follows:

§ 74.1235 Power limitations and antenna systems.

* * * * *

(d) Applications for FM translator stations located within 320 km of the Canadian border will not be accepted if they specify more than 250 watts effective radiated power in any direction or have a 34 dBu interference contour that exceeds 60 km. Applications for FM translator stations located within 320 kilometers of the Mexican border must adhere to the following provisions.

(1) Translator stations located within 125 kilometers of the Mexican border may operate with a maximum ERP of 250 watts (0.250 kW) but must not exceed an ERP of 50 watts (0.050 kW) in the direction of the Mexican border. A translator station may not produce an interfering contour in excess of 32 km from the transmitter site in the direction of the Mexican border, nor may the 60 dBu service contour of the translator station exceed 8.7 km from the transmitter site in the direction of the Mexican border.

(2) Translator stations located between 125 kilometers and 320 kilometers from the Mexican border may operate with a maximum ERP of 250 watts in any direction. However, in no event shall the location of the 60 dBu contour lie within 116.3 km of the Mexican border.

[FR Doc. 2021–15684 Filed 8–5–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 210730–0156; RTID 0648–XT040]

Atlantic Highly Migratory Species; 2022 Atlantic Shark Commercial Fishing Year

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

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would adjust quotas and retention limits and establish the opening date for the 2022 fishing year for the Atlantic commercial shark fisheries. Quotas would be adjusted as required or allowable based on any underharvests experienced during the 2021 fishing year. NMFS proposes the opening date and commercial retention limits 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, the Gulf of Mexico, and the Caribbean Sea.

DATES: Written comments must be received by September 7, 2021.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2021–0056, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter ''NOAA–NMFS–2021–0056'' in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

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).

Copies of this proposed rule and supporting documents are available from the HMS Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Lauren Latchford (*lauren.latchford@noaa.gov*) by phone at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Lauren Latchford (*lauren.latchford@noaa.gov*), Derek Kraft (*derek.kraft@noaa.gov*), or Karyl Brewster-Geisz (*karyl.brewster-geisz@noaa.gov*) 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 Atlantic 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 default commercial shark retention limits, commercial quotas for species and management groups, and accounting measures for underharvests and overharvests. The retention limits, commercial quotas, and accounting measures can be found at 50 CFR 635.24(a) and 635.27(b). Regulations also include provisions allowing flexible opening dates for the fishing year (§ 635.27(b)(3)) and inseason adjustments to shark trip limits (§ 635.24(a)(8)), which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas. In addition, § 635.28(b)(4) lists species and/or management groups with quotas that are linked. If quotas are linked, when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)). Lastly, pursuant to § 635.27(b)(3), any annual or inseason adjustments to the base annual commercial overall, regional, or sub-regional quotas will be published in the **Federal Register**.

2022 Proposed Commercial Shark Quotas

NMFS proposes adjusting the quota levels for the various shark stocks and management groups for the 2022 Atlantic commercial shark fishing year

based on underharvests that occurred during the 2021 fishing year, consistent with existing regulations at 50 CFR 635.27(b). Overharvests 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 up to a maximum of five years. If a sub-regional quota is overharvested, but the overall regional quota is not, no subsequent adjustment is required. Unharvested quota may be added to the quota for the next fishing year, but only for shark management groups that have shark stocks that do not have an unknown status or that have no overfishing occurring and are not overfished. No more than 50 percent of a base annual quota may be carried over from a previous fishing year.

Based on 2021 harvests to date, and after considering catch rates and landings from previous years, NMFS proposes to adjust the 2022 quotas for certain management groups as shown in Table 1. All of the 2022 proposed quotas for the respective stocks and management groups will be subject to further adjustment in the final rule after NMFS considers landings submitted in the dealer reports through mid-October. NMFS anticipates that dealer reports received after that time will be used to adjust 2022 quotas, as appropriate, noting that, in some circumstances, NMFS re-adjusts quotas during the subject year.

Because the Gulf of Mexico blacktip shark management group and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions are not overfished, and overfishing is not occurring, available underharvest (up to 50 percent of the base annual quota) from the 2021 fishing year for these management groups may be added to the respective 2022 base quotas. NMFS proposes to account for any underharvest of Gulf of Mexico blacktip sharks by dividing underharvest between the eastern and western Gulf of Mexico sub-regional quotas based on the sub-regional quota split percentage implemented in Amendment 6 to the 2006 Consolidated HMS FMP (80 FR 50073; August 18, 2015).

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, non-blacknose small coastal shark (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2021 underharvests cannot be carried over to the 2022 fishing year because those stocks or management groups are overfished, are experiencing overfishing, or have an unknown status. There are no overharvests to account for in these management groups to date. Thus, NMFS proposes that quotas for these management groups be equal to the annual base quota without adjustment, although the ultimate decision will be based on current data at the time of the final rule.

The proposed 2022 quotas by species and management group are summarized in Table 1 and the description of the calculations for each stock and management group can be found below. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table 1 includes landings data as of July 9, 2021; final quotas are subject to change based on landings as of October 2021.

TABLE 1—2022 PROPOSED QUOTAS AND OPENING DATE FOR THE ATLANTIC SHARK MANAGEMENT GROUPS

Region or sub-region	Management group	2021 Annual quota (A)	Preliminary 2021 landings [1] (B)	Adjustments [2] (C)	2022 Base annual quota (D)	2022 Proposed annual quota (D + C)	Season opening dates
Western Gulf of Mexico.	Blacktip Sharks [3] ..	347.2 mt (765,392 lb).	210.7 mt (464,554 lb).	115.7 mt (255,131 lb).	231.5 mt (510,261 lb).	347.2 mt (765,392 lb).	January 1, 2022.
	Aggregated Large Coastal Sharks.	72.0 mt (158,724 lb).	66.6 mt (146,851 lb).	.....	72.0 mt (158,724 lb).	72.0 mt (158,724 lb).	
	Hammerhead Sharks.	11.9 mt (26,301 lb).	<1.5 mt (<3,300 lb).	.....	11.9 mt (26,301 lb).	11.9 mt (26,301 lb).	
Eastern Gulf of Mexico.	Blacktip Sharks [3] ..	37.7 mt (83,158 lb).	8.6 mt (18,858 lb)	12.6 mt (27,719 lb).	25.1 mt (55,439 lb).	37.7 mt (83,158 lb).	January 1, 2022.
	Aggregated Large Coastal Sharks.	85.5 mt (188,593 lb).	38.1 mt (84,047 lb).	.....	85.5 mt (188,593 lb).	85.5 mt (188,593 lb).	
	Hammerhead Sharks.	13.4 mt (29,421 lb).	5.7 mt (12,458 lb)	.....	13.4 mt (29,421 lb).	13.4 mt (29,421 lb).	
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	112.6 mt (248,215 lb).	23.1 mt (50,911 lb).	.....	112.6 mt (248,215 lb).	112.6 mt (248,215 lb).	
	Smoothhound Sharks.	504.6 mt (1,112,441 lb).	—mt (—lb)	168.2 mt (370,814 lb).	336.4 mt (741,627 lb).	504.6 mt (1,112,441 lb).	
Atlantic	Aggregated Large Coastal Sharks.	168.9 mt (372,552 lb).	38.7 mt (85,317 lb).	.....	168.9 mt (372,552 lb).	168.9 mt (372,552 lb).	January 1, 2022.
	Hammerhead Sharks.	27.1 mt (59,736 lb).	10.2 mt (22,542 lb).	.....	27.1 mt (59,736 lb).	27.1 mt (59,736 lb).	
	Non-Blacknose Small Coastal Sharks.	264.1 mt (582,333 lb).	32.8 mt (72,243 lb).	.....	264.1 mt (582,333 lb).	264.1 mt (582,333 lb).	
	Blacknose Sharks (South of 34 °N lat. only).	17.2 mt (37,921 lb).	4.8 mt (10,617 lb)	.....	17.2 mt (37,921 lb).	17.2 mt (37,921 lb).	
	Smoothhound Sharks.	1,802.6 mt (3,971,587 lb).	192.8 mt (425,130 lb).	600.9 mt (1,324,634 lb).	1,201.7 mt (2,649,268 lb).	1,802.6 mt (3,973,902 lb).	
No regional quotas	Non-Sandbar LCS Research.	50.0 mt (110,230 lb).	5.0 mt (11,129 lb)	.....	50.0 mt (110,230 lb).	50.0 mt (110,230 lb).	January 1, 2022.
	Sandbar Shark Research.	90.7 mt (199,943 lb).	35.4 mt (78,074 lb).	.....	90.7 mt (199,943 lb).	90.7 mt (199,943 lb).	
	Blue Sharks	273.0 mt (601,856 lb).	<1.0 mt (<2,200 lb).	.....	273.0 mt (601,856 lb).	273.0 mt (601,856 lb).	
	Porbeagle Sharks	1.7 mt (3,748 lb) ..	0.0 mt (0 lb)	.....	1.7 mt (3,748 lb) ..	1.7 mt (3,748 lb).	

TABLE 1—2022 PROPOSED QUOTAS AND OPENING DATE FOR THE ATLANTIC SHARK MANAGEMENT GROUPS—Continued

Region or sub-region	Management group	2021 Annual quota (A)	Preliminary 2021 landings [1] (B)	Adjustments [2] (C)	2022 Base annual quota (D)	2022 Proposed annual quota (D + C)	Season opening dates
	Pelagic Sharks Other Than Porbeagle or Blue.	488.0 mt (1,075,856 lb).	25.2 mt (55,566 lb).	.....	488.0 mt (1,075,856 lb).	488.0 mt (1,075,856 lb).	

[1] Landings are from January 1, 2021, through July 9, 2021, and are subject to change.
[2] Underharvest adjustments can only be applied to stocks or management groups that are not overfished and have no overfishing occurring. Also, the underharvest adjustments cannot exceed 50 percent of the base quota.
[3] This adjustment accounts for underharvest in 2021. This proposed rule would increase the overall Gulf of Mexico blacktip shark quota by 128.3 mt (282,850 lb). Since any underharvest would be divided based on the sub-regional quota percentage split, the western Gulf of Mexico blacktip shark quota would be increased by 115.7 mt, while the eastern Gulf of Mexico blacktip shark quota would be increased by 12.6 mt.

1. Proposed 2022 Quotas for Shark Management Groups Where Underharvests Can Be Carried Over

The Gulf of Mexico blacktip shark management group (which is divided between the two sub-regions) and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions are not overfished, and overfishing is not occurring. Pursuant to § 635.27(b)(2)(ii), available underharvest (up to 50 percent of the base annual quota) from the 2021 fishing year for these management groups may be added to the respective 2022 base quotas.

The 2022 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is 347.2 mt dw (765,392 lb dw) and the eastern Gulf of Mexico sub-region is 37.7 mt dw (83,158 lb dw). As of July 9, 2021, preliminary reported landings for blacktip sharks in the western Gulf of Mexico sub-region were at 60.7 percent (210.7 mt dw) of their 2021 quota levels (347.2 mt dw), and blacktip sharks in the eastern Gulf of Mexico sub-region were at 22.7 percent (8.6 mt dw) of the sub-regional 2021 quota levels (37.7 mt dw). Reported landings in both sub-regions have not exceeded the 2021 quota to date. Pursuant to § 635.27(b)(1)(ii)(C), any underharvest would be divided between the two sub-regions, based on the percentages that are allocated to each sub-region. To date, the overall Gulf of Mexico blacktip shark management group is underharvested by 165.6 mt dw (365,138 lb dw). NMFS proposes to increase the western Gulf of Mexico blacktip shark quota by 115.7 mt dw which is 90.2 percent of the quota adjustment, while the eastern Gulf of Mexico blacktip shark sub-regional quota would increase by 12.6 mt dw, which is 9.8 percent of the quota adjustment (Table 1). Thus, the proposed western sub-regional Gulf of Mexico blacktip shark commercial quota is 347.2 mt dw (765,392 lb dw), and the proposed eastern sub-regional Gulf of Mexico blacktip shark commercial quota is 37.7 mt dw (83,158 lb dw).

The 2022 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw) and in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of July 9, 2021, there have been no smoothhound shark landings in the Gulf of Mexico region and 10.7 percent (192.8 mt dw) of their 2021 quota (1802.6 mt dw) in the Atlantic region. NMFS proposes to adjust the 2022 Gulf of Mexico and Atlantic smoothhound shark quotas for anticipated underharvests in 2021 to the full extent allowed. The proposed 2022 adjusted base annual quota for Gulf of Mexico smoothhound sharks is 504.6 mt dw (336.4 mt dw annual base quota + 168.2 mt dw 2021 underharvest = 504.6 mt dw 2022 adjusted annual quota) and the proposed 2022 adjusted base annual quota for Atlantic smoothhound sharks is 1,802.6 mt dw (1,201.7 mt dw annual base quota + 600.9 mt dw 2021 underharvest = 1,802.6 mt dw 2022 adjusted annual quota).

2. Proposed 2022 Quotas for Shark Management Groups Where Underharvests Cannot Be Carried Over

Consistent with the current regulations at § 635.27(b)(2)(ii), 2021 underharvests cannot be carried over to the 2022 fishing year for the following stocks or management groups because they are overfished, are experiencing overfishing, or have an unknown status: Sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, non-blacknose small coastal shark (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups.

The 2022 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw), and the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw). The 2022 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). For these stocks, the 2022 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward. As of July 9, 2021, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were 92.5 percent (66.6 mt dw) of the 2021 quota (72.0 mt dw), the aggregated LCS in the eastern Gulf of Mexico sub-region were 44.6 percent (38.1 mt dw) of the 2021 quota (85.5 mt dw), and the aggregated LCS fishery in the Atlantic were 22.9 percent (38.7 mt dw) of the 2021 quota. Reported landings from both Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2021 overall aggregated LCS quota to date. Given the unknown status of some species in the aggregated LCS complex, the aggregated LCS quota cannot be adjusted for any underharvests. Based on both preliminary estimates and catch rates from previous years, NMFS proposes that the 2022 quotas for aggregated LCS in the western and eastern Gulf of Mexico sub-regions, and the Atlantic region be equal to their annual base quotas without adjustment.

The 2022 proposed commercial quotas for hammerhead sharks in the eastern Gulf of Mexico sub-region and western Gulf of Mexico sub-region are 11.9 mt dw (26,301 lb dw) and 13.4 mt dw (29,421 lb dw), respectively. For these stocks, the 2022 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward. The 2022 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). As of July 9, 2021, preliminary reported landings of hammerhead sharks in the western Gulf of Mexico sub-region were

less than 12 percent (<2.3 mt dw) of the 2021 quota (11.9 mt dw), landings of hammerhead sharks in the eastern Gulf of Mexico sub-region were at 42.3 percent (5.7 mt dw) of the 2021 quota (13.4 mt dw), and landings of hammerhead sharks in the Atlantic region were at 37.7 percent (10.2 mt dw) of the 2021 quota. Reported landings from the Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2021 overall hammerhead quota to date. Given the overfished status of the scalloped hammerhead shark, the hammerhead shark quota cannot be adjusted for any underharvests. Based on both preliminary estimates and catch rates from previous years, NMFS proposes that the 2022 quotas for hammerhead sharks in the western Gulf of Mexico and eastern Gulf of Mexico sub-regions be equal to their annual base quotas without adjustment.

The 2022 proposed commercial quota for blacknose sharks in the Atlantic region is 17.2 mt dw (37,921 lb dw). This quota is available in the Atlantic region only for those vessels operating south of 34 °N latitude. North of 34 °N latitude, retention, landing, or sale of blacknose sharks is prohibited. NMFS is not proposing any adjustments to the blacknose shark quota at this time. For these stocks, the 2022 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward. As of July 9, 2021, preliminary reported landings of blacknose sharks were at 28.0 percent (4.8 mt dw) of the 2021 quota levels in the Atlantic region. Reported landings have not exceeded the 2021 quota to date. NMFS proposes that the 2022 Atlantic blacknose shark quota be equal to the annual base quota without adjustment.

The 2022 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (248,215 lb dw). The 2022 proposed commercial quota for non-blacknose SCS in the Atlantic region is 264.1 mt dw (582,333 lb dw). For these stocks, the 2022 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward. As of July 9, 2021, preliminary reported landings of non-blacknose SCS were at 20.5 percent (23.1 mt dw) of their 2021 quota level (112.6 mt dw) in the Gulf of Mexico region and were at 12.4 percent (32.8 mt dw) of the 2021 quota level in the Atlantic region. Reported landings have not exceeded the 2021 quota to date. Given the unknown status of bonnethead sharks within the Gulf of Mexico and Atlantic non-blacknose SCS management groups, underharvests cannot be carried forward. Based on both preliminary estimates and catch rates from previous years, NMFS proposes that the 2022 quota for non-blacknose SCS in the Gulf of Mexico and Atlantic regions be equal to the annual base quota without adjustment.

The 2022 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273.0 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488.0 mt dw (1,075,856 lb dw), respectively. For these stocks, the 2022 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward. As of July 9, 2021, there were no preliminary reported landings of blue sharks or porbeagle sharks, and landings of pelagic sharks (other than porbeagle and blue sharks) were at 5.2 percent (25.2 mt dw) of the 2021 quota level (488.0 mt dw). Given that these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward. Based on preliminary estimates of catch rates from previous years, NMFS proposes that the 2022 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment.

The 2022 proposed commercial quotas within the shark research fishery are 50 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 9, 2021, preliminary reported landings of research LCS were at 10.1 percent (5.0 mt dw) of the 2021 quota, and sandbar shark reported landings were at 39 percent (35.4 mt dw) of their 2021 quota. Because sandbar sharks and scalloped hammerhead sharks within the research LCS management group are either overfished or overfishing is occurring, underharvests for these management groups cannot be carried forward. Based on preliminary estimates, NMFS proposes that the 2022 quota in the shark research fishery be equal to the annual base quota without adjustment.

Proposed Opening Date and Retention Limits for the 2022 Atlantic Commercial Shark Fishing Year

In proposing the commercial shark fishing season opening dates for all regions and sub-regions, NMFS considered the ''Opening Commercial Fishing Season Criteria,'' which are the criteria listed at § 635.27(b)(3): 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 fishery participation in past years, effects of the adjustment on 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 openings.

In analyzing the criteria, NMFS examines the underharvests of the different management groups in the 2021 fishing year to determine the likely effects of the proposed commercial quotas for 2022 on shark stocks and fishermen across regional and sub-regional fishing areas. NMFS also examines the potential season length and previous catch rates to ensure, to the extent practicable, that equitable fishing opportunities will be provided to fishermen in all areas. Lastly, NMFS examines the seasonal variation of the different species/management groups and the effects on fishing opportunities. At the start of each fishing year, the default commercial retention limit is 45 LCS other than sandbar sharks per vessel per trip in the eastern and western Gulf of Mexico sub-regions and in the Atlantic region, unless NMFS determines otherwise and files with the Office of the Federal Register for publication notification of an inseason adjustment. NMFS may adjust the retention limit from zero to 55 LCS other than sandbar sharks per vessel per trip if the respective LCS management group is open under § 635.27 and § 635.28, respectively.

NMFS also considered the six ''Inseason Trip Limit Adjustment Criteria'' listed at § 635.24(a)(8). Those criteria are: The amount of remaining shark quota in the relevant area, region, or sub-region, to date, based on dealer reports; the catch rates of the relevant shark species/complexes in the region or sub-region, to date, based on dealer reports; the estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates and whether they are projected to reach 100 percent before the end of the fishing season; effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; variations in seasonal distribution, abundance, or migratory

patterns of the relevant shark species based on scientific and fishery-based knowledge; and/or 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 relevant quota.

In analyzing the criteria, NMFS examines landings submitted in dealer reports on a weekly basis and catch rates based upon those dealer reports and have found that, to date, landings and subsequent quotas have not been exceeded. Catch rates in one part of a sub-region reached 80 percent have been closed, and have not reached 100 percent of the available quota. In addition, that closure did not preclude vessels in another part of that region or sub-region from having a reasonable opportunity to harvest a portion of the relevant quota. Given the pattern of landings over the previous years, seasonal distribution of the species and/or management groups has not had an effect on the landings within a region or sub-region.

After considering both sets of criteria in § 635.24 and 635.28, NMFS is proposing to open the 2022 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, on January 1, 2022, after the publication of the final rule for this action (Table 2). NMFS proposes to open the season on January 1, 2022, but recognizes that the actual opening date is contingent on publication of the final rule in the **Federal Register**, and may vary accordingly. NMFS is also proposing to start the 2022 commercial shark fishing season with the commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip in both the eastern and western Gulf of Mexico sub-regions, and a commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip in the Atlantic region (Table 2). Proposed retention limits could change (as a result of public comments as well as updated catch rates and landings information submitted in dealer reports) in the final rule.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages *	Season opening date	Commercial retention limits for directed shark limited access permit holders (inseason adjustments are possible)
Western Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2022	55 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Eastern Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2022	55 LCS other than sandbar sharks per vessel per trip.
	Aggregated Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	Not Linked	January 1, 2022	N/A.
	Smoothhound Sharks	Not Linked	January 1, 2022	N/A.
Atlantic	Aggregated Large Coastal Sharks.	Linked	January 1, 2022	55 LCS other than sandbar sharks per vessel per trip.
	Hammerhead Sharks.			
	Non-Blacknose Small Coastal Sharks.	Linked (South of 34 °N lat. only).	January 1, 2022	N/A.
	Blacknose Sharks (South of 34 °N lat. only).			8 Blacknose sharks per vessel per trip (applies to directed and incidental permit holders).
	Smoothhound Sharks	Not Linked	January 1, 2022	N/A.
No regional quotas	Non-Sandbar LCS Research	Linked	January 1, 2022	N/A.
	Sandbar Shark Research.			
	Blue Sharks	Not Linked	January 1, 2022	N/A.
	Porbeagle Sharks.			
	Pelagic Sharks Other Than Porbeagle or Blue.			

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

In the eastern and western Gulf of Mexico sub-regions, NMFS proposes opening the fishing season on January 1, 2022, for the aggregated LCS, blacktip sharks, and hammerhead shark management groups, with the commercial retention limits of 55 LCS other than sandbar sharks per vessel per trip for directed shark permits. This opening date and retention limit combination would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. The season opening criteria listed in § 635.27(b)(3) requires NMFS to consider the length of the season for the different species and/or management groups in the previous years (§ 635.27(b)(3)(ii) and (iii)) and whether fishermen were able to participate in the fishery in those years (§ 635.27(b)(3)(v)). In addition, the criteria listed in § 635.24(a)(8) require NMFS to consider the catch rates of the relevant shark species/complexes based on landings submitted in dealer reports to date (§ 635.24(a)(8)(ii)). NMFS may also adjust 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 (see the criteria listed at § 635.27(b)(3)(v) and § 635.24(a)(8)(ii), (v), and (vi)). Given these requirements, NMFS reviewed landings on a weekly basis for all species and/or management groups and determined that fishermen have been able to participate in the fishery, and landings from both Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2021 overall aggregated LCS quota to date. For both the eastern and western Gulf of Mexico sub-regions combined, landings submitted in dealer reports received through July 9, 2021, indicate that 66 percent (104.7 mt dw), 57 percent (219.3 mt dw), and almost 30 percent (<8 mt dw) of the available aggregated LCS, blacktip, and hammerhead shark quotas, respectively, have been harvested. Therefore, for 2022, NMFS is proposing opening both the western and eastern Gulf of Mexico sub-regions with a commercial retention

limit of 55 sharks other than sandbar sharks per vessel per trip.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on January 1, 2022. The criteria listed in § 635.27(b)(3) 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 (§ 635.27(b)(3)(v)). The 2021 data indicate that an opening date of January 1, coupled with inseason adjustments to the retention limit if later considered and needed, would provide a reasonable opportunity for fishermen in every part of each region to harvest a portion of the available quotas (§ 635.27(b)(3)(i)), while accounting for variations in seasonal distribution of the different species in the management groups (§ 635.27(b)(3)(iv)). Because the quotas we propose for 2022 are the same as the quotas in 2021, NMFS proposes that the season lengths, and therefore, the participation of various fishermen throughout the region, would be similar in 2022 (§ 635.27(b)(3)(ii) and (iii)). Additionally, the January 1 opening date appears to meet the objectives of the 2006 Consolidated HMS FMP and its amendments (§ 635.27(b)(3)(vi)). In the recent past, NMFS has managed the fishery by opening the aggregated LCS and hammerhead shark management groups on January 1 with a relatively high retention limit. Once a certain percentage threshold was reached, the retention limit was reduced to a low limit, such as 3 LCS other than sandbar sharks per vessel per trip, and then the retention limit was increased again in mid-July. This approach allowed the fishery in the Atlantic region to remain open throughout the year, consistent with conservation and management measures for the stocks and requests from fishermen and states. However, landings data from 2016 to present indicate a decrease in annual landings in the aggregated LCS management group. As a result, in 2021 NMFS opened with a retention limit of 45 LCS other than sandbar sharks per vessel per trip, anticipating that it might later reduce the trip limit when landings reached approximately 40 percent of the quota and after considering appropriate factors. Instead, on March 23, 2021, NMFS increased the retention limit from 36 to the maximum limit of 55 LCS other than sandbar sharks per vessel per trip for all directed permit holders due to low landings (86 FR 16075; March 26, 2021). As of July 9, 2021, landings data indicate that, despite increasing the retention limit to the maximum, only 22.9 percent of the aggregated LCS and 37.7 percent of the hammerhead shark commercial quotas have been landed. Considering this experience and the recent reduced landings compared to past years, NMFS proposes to open on January 1, 2022, with a retention limit of 55 LCS other than sandbar sharks per vessel per trip. Starting with the highest retention limit available could allow fishermen in the Atlantic region to more fully utilize the available science-based quota. As needed, NMFS may adjust the retention limit throughout the year to ensure equitable fishing opportunities throughout the region and ensure the quota is not exceeded (see the criteria at § 635.24(a)(8)). For example, if the quota is harvested too quickly, NMFS could consider reducing the retention limit as appropriate to ensure enough quota remains until later in the year. NMFS would publish in the **Federal Register** notification of any inseason adjustments of the retention limit.

All of the shark management groups would remain open until December 31, 2022, or until NMFS determines that the landings for any shark management group are projected to reach 80 percent of the quota given the realized catch rates, and are projected to reach 100 percent before the end of the fishing season, or until a quota-linked species or management group is closed. If NMFS determines that a non-quota-linked shark species or management group 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, pelagic sharks, or the Atlantic or Gulf of Mexico smoothhound sharks), NMFS will publish in the **Federal Register** a notice of closure for that shark species, shark management group, region, and/or sub-region that will be effective no fewer than four days from the date of filing. For the blacktip shark management group, regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group before landings have reached or are projected to reach 80 percent of applicable available overall, regional, and/or sub-regional quota and are projected to reach 100 percent of the relevant quota by the end of the fishing season, after considering the following criteria and other relevant factors: Season length based on available sub-regional quota and average sub-regional catch rates; variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns; effects on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. The fisheries for the shark species or management group would be closed (even across fishing years) 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.

If NMFS determines that a quota-linked species and/or management group must be closed, then, consistent with § 635.28(b)(3) for linked quotas, NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than four days from the date of filing. In that event, from the effective date and time of the closure until the season is reopened and additional quota is available (via the publication of another NMFS notice in the **Federal Register**), the fisheries for all quota-linked species and/or management groups will be closed, even across fishing years. The quota-linked species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS; western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS; and Atlantic blacknose and Atlantic non-blacknose SCS south of 34 °N latitude.

Request for Comments

Comments on this proposed rule and on NMFS' determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities (as discussed below in the Classification section), may be submitted via *www.regulations.gov.* NMFS solicits comments on this proposed rule by September 7, 2021 (see **DATES** and **ADDRESSES**).

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 laws, subject to further consideration after public comment.

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

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), Amendment 6 to the 2006 Consolidated HMS FMP (80 FR 50073; August 18, 2015), and Amendment 9 to the 2006 Consolidated HMS FMP (80 FR 73128; November 24, 2015) 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, as required under the Coastal Zone Management Act. 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 NMFS 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 an opening date and adjust quotas for the 2022 fishing year for the Atlantic commercial shark fisheries does not change the framework previously consulted upon. Therefore, no additional consultation is required.

This rulemaking would implement previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated HMSFMP and its amendments, and the Environmental Assessment (EA) that accompanied the 2011 shark quota specifications rule (75 FR 76302; December 8, 2010). Impacts have been evaluated and analyzed in Amendments 2, 3, 5a, 6, and 9 to the 2006 Consolidated HMS FMP, which include Final Environmental Impact Statements (FEISs) for Amendments 2, 3, and 5a, and EAs for Amendments 6 and 9. The final rule for Amendment 2 implemented base quotas and quota adjustment procedures for sandbar shark and non-sandbar LCS species/management groups, and Amendments 3 and 5a implemented base quotas for Gulf of Mexico blacktip shark, aggregated LCS, hammerhead shark, blacknose shark, and non-blacknose SCS management groups and quota transfers for Atlantic sharks. The final rule for Amendment 6 implemented a revised commercial shark retention limit, revised base quotas for sandbar shark and non-blacknose SCS species/management groups, new sub-regional quotas in the Gulf of Mexico region for blacktip sharks, aggregated LCS, and hammerhead sharks, and new management measures for blacknose sharks. The final rule for Amendment 9 implemented management measures, including commercial quotas, for smoothhound sharks in the Atlantic and Gulf of Mexico regions. In 2010, NOAA Fisheries prepared an EA with the 2011 quota specifications rule (75 FR 76302; December 8, 2010) that describes the impact on the human environment that would result from implementation of measures to delay the start date and allow for inseason adjustments. NMFS has determined that the quota adjustments and season opening dates of this proposed rule and the resulting impacts to the human environment are within the scope of the analyses considered in the FEISs and EAs for these amendments, and additional National Environmental Policy Act (NEPA) analysis is not warranted for this proposed rule.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as defined under the Regulatory Flexibility Act (RFA). The factual basis for this determination is as follows.

The proposed rule would adjust quotas and retention limits and establish the opening date for the 2022 fishing year for the Atlantic commercial shark fisheries. NMFS would adjust quotas as required or allowable based on any overharvests and/or underharvests from the 2021 fishing year. NMFS has limited flexibility to otherwise modify the quotas in this proposed rule. In addition, the impacts of the quotas (and any potential modifications) were analyzed in previous regulatory flexibility analyses, including the initial regulatory flexibility analysis and the final regulatory flexibility analysis that accompanied the 2011 shark quota specifications rule. NMFS proposes the opening date and commercial retention limits 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, the Gulf of Mexico, and the Caribbean Sea. However, the effects this proposed rule would have on small entities would be minimal. 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. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. SBA's regulations include provisions for an agency to develop its own industry-specific size standards after consultation with SBA and providing an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194; 50 CFR 200.2). In this final rule effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. NMFS considers all HMS permit holders to be small entities because they had average annual receipts of less than $11 million for commercial fishing.

As of June 13, 2021, this proposed rule would apply to the approximately 207 directed commercial shark permit holders, 253 incidental commercial shark permit holders, 164 smoothhound shark permit holders, and 90 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 460 directed and incidental commercial shark permit holders, to date, only 10 permit holders landed sharks in the Gulf of Mexico region, and only 65 landed sharks in the Atlantic region. Of the 164 smoothhound shark permit holders, to date, only 63 permit holders landed smoothhound sharks in the Atlantic region, and 1 landed smoothhound sharks in the Gulf of Mexico region. As described below, NMFS has determined that all of these entities are small entities for purposes of the RFA.

Based on the 2020 ex-vessel price (Table 3), fully harvesting the unadjusted 2021 Atlantic shark commercial base quotas could result in total fleet revenues of $8,481,742. For the Gulf of Mexico blacktip shark management group, NMFS is proposing to adjust the base sub-regional quotas upward due to underharvests in 2021. The increase for the western Gulf of Mexico blacktip shark management group could result in a $206,656 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group could result in a $21,066 gain in total revenues for

fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS is proposing to increase the base quotas due to the underharvest in 2021. This would cause a potential gain in revenue of $281,819 for the fleet in the Gulf of Mexico region, and a potential gain in revenue of $1,217,953 for the fleet in the Atlantic region. Since a small business is defined as having annual receipts not in excess of $11.0 million, and total Atlantic shark revenue for the entire fishery is $9 million, each individual shark fishing entity would fall within the small business definition. NMFS has also determined that the proposed rule would not likely affect any small governmental jurisdictions.

All of these changes in gross revenues are similar to the gross revenues analyzed in the 2006 Consolidated HMS FMP and Amendments 2, 3 5a, 6, and 9 to the 2006 Consolidated HMS FMP. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities from adjustments such as those contemplated in this action are expected to be minimal. In accordance with the 2006 Consolidated HMS FMP, as amended, and consistent with NMFS' statements in rules implementing Amendments 2, 3 5a, 6, and 9, and in the EA for the 2011 shark quota specifications rule, NMFS now conducts annual rulemakings in which NMFS considers the potential economic impacts of adjusting the quotas for underharvests and overharvests.

TABLE 3—AVERAGE EX-VESSEL PRICES PER lb dw FOR EACH SHARK MANAGEMENT GROUP, 2020

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	$0.81	
	Aggregated LCS	0.80	
	Hammerhead Shark	0.74	
Eastern Gulf of Mexico	Blacktip Shark	0.76	
	Aggregated LCS	0.79	
	Hammerhead Shark		
Gulf of Mexico	Non-Blacknose SCS	0.71	
	Smoothhound Shark	0.76	
Atlantic	Aggregated LCS	1.13	
	Hammerhead Shark	0.57	
	Non-Blacknose SCS	1.12	
	Blacknose Shark	1.29	
	Smoothhound Shark	0.92	
No Region	Shark Research Fishery (Aggregated LCS)		
	Shark Research Fishery (Sandbar only)	1.30	
	Blue shark		
	Porbeagle shark		
	Other Pelagic sharks	1.31	
All	Shark Fins		$5.15
Atlantic	Shark Fins		1.58
GOM	Shark Fins		9.44

In conclusion, as discussed above, this proposed rule would adjust quotas and retention limits and establish the opening date for the 2022 fishing year for the Atlantic commercial shark fisheries. Based on available data on commercial catch of sharks in the northwestern Atlantic Ocean, the Gulf of Mexico, and the Caribbean Sea, it appears that shark fishing is conducted by fishermen who already possess Federal permits and are adhering to Federal reporting requirements for all catch as well as other Federal shark regulations, whether they are in Federal or state waters. Given these factors, this action would not have an effect, practically, on the regulations that shark fishermen currently follow. Furthermore, this action is not expected to affect the amount of sharks caught and sold or result in any change in the ex-vessel revenues those fishermen could expect. Therefore, NMFS has determined that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared. NMFS invites comments from the public on the information in this determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

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

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

Dated: August 2, 2021.

Samuel D. Rauch, III,

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

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