



Mid-Atlantic Fishery Management Council
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 Michael P. Luisi, Chairman | G. Warren Elliott, Vice Chairman
 Christopher M. Moore, Ph.D., Executive Director

MEMORANDUM

Date: July 27, 2018
To: Dr. Chris Moore, Executive Director
From: Matthew Seeley, Staff
Subject: Amendment 11 to the Consolidated Highly Migratory Species Fishery Management Plan

Summary

Amendment 11 to the Consolidated Highly Migratory Species Fishery Management Plan proposes a range of management measures for shortfin mako sharks. These measures are based on the recent International Commission for the Conservation of Atlantic Tunas (ICCAT) assessment determining that shortfin mako sharks are overfished and experiencing overfishing and ICCAT Recommendation 17-08. The below information can be found at this [link](#).

Who is affected?

- Any commercial fishermen with HMS permits.
- Any recreational fishermen who target or catch shortfin mako sharks.
- Any dealers who buy or sell sharks or shark products.

What will it do?

The full range of alternatives considered can be found in the [draft environmental impact statement](#) (PDF, 230 pages) and/or proposed rule.

	Preferred Alternatives in DEIS
Commercial Measure	<i>Alternative A2</i> Allow retention of a shortfin mako shark by persons with a Directed or Incidental Shark Limited Access Permit, but only if the shark is dead at haul back and there is a functional electronic monitoring system on board the vessel.

Recreational Measures	<p><i>Alternative B3</i> Increase the minimum size of all shortfin mako sharks from 54 inches fork length to 83 inches (210 cm) fork length.</p> <p><i>Alternative B9</i> Require use of circle hooks for recreational shark fishing in all areas (i.e., remove the current management line established for dusky sharks near Chatham, MA).</p>
Monitoring Measure	<p><i>Alternative C1</i> No action. Do not require reporting of shortfin mako sharks outside of current reporting systems.</p>
Rebuilding Measure	<p><i>Alternative D3</i> Establish the foundation for developing an international rebuilding program for shortfin mako sharks.</p>

Request for Comments

NOAA Fisheries will accept comments on the proposed rule and draft amendment through **October 1, 2018**.

Written comments, identified by “NOAA-NMFS-2018-0011,” may be submitted electronically via the [Federal eRulemaking Portal](#), or by U.S. mail to the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910.

All comments received are a part of the public record and will be posted to the Internet without change. Personally identifying information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information. NOAA Fisheries will accept anonymous comments (enter N/A in the electronic fields to remain anonymous). You may submit attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats only.

Public Hearings

NOAA Fisheries will hold public hearings along the Atlantic Coast, Caribbean, and Gulf of Mexico regions until the end of the comment period

August 22, 2018 from 5:00 – 8:00 p.m.

*Dr. Clotilde Garcia Public Library
5930 Brockhampton Street
Corpus Christi, TX 78414*

August 23, 2018 from 5:00 – 8:00 p.m.

*Linwood Public Library
301 Davis Avenue
Linwood, NJ 08211*

August 28, 2018 from 5:00 – 8:00 p.m.

*Commissioners Meeting Room, Dare County Administration Building
954 Marshall C. Collins Dr.
Manteo, NC 27954*

August 29, 2018 from 5:00 – 8:00 p.m.

*NCDMF Central District Office
5285 Highway 70 West
Morehead City, NC 28557*

August 30, 2018 from 5:00 – 8:00 p.m.

*NOAA Fisheries
Greater Atlantic Regional Office
55 Great Republic Drive
Gloucester, MA 01930*

August 30, 2018 from 5:00 – 8:00 p.m.

*NOAA Fisheries
Southeast Regional Office
263 13th Avenue South
St. Petersburg, FL 33701*

Conference Call Public Hearing

September 12, 2018 from 2:00 – 4:00 p.m.

To participate in the webinar, please [RSVP here](#). A confirmation email with webinar log-in information will be sent after RSVP is registered.

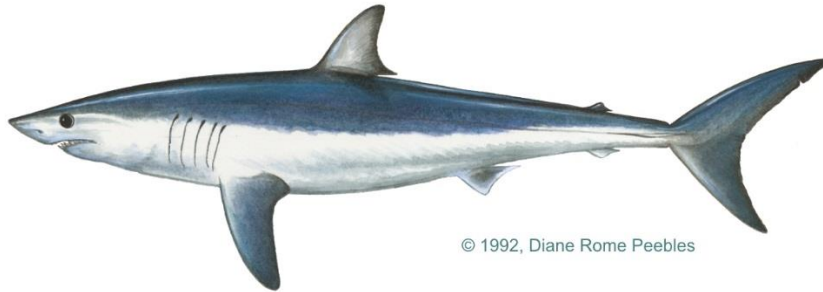
In addition to the public hearings and webinar, NOAA Fisheries has requested to present information regarding this draft amendment and proposed rule to the New England, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils and the Atlantic and Gulf States Marine Fisheries Commissions. Please see the Councils' and Commissions' meeting notices for times and locations.

Official notice of federal actions is made through filing such notice with the Office of Federal Register. For further information on this proposed rule and draft environmental impact statement, contact Guý DuBeck or Karyl Brewster-Geisz at 301-427-8503. Copies of the proposed rule, draft environmental impact statement, and other supporting documents are available upon request from the Highly Migratory Species Management Division, 1315 East-West Highway, Silver Spring, MD 20910, or by calling 301-427-8503.

DRAFT AMENDMENT 11 TO THE 2006 CONSOLIDATED ATLANTIC HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN

Including:

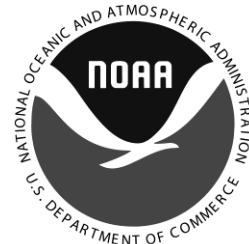
A Draft Environmental Impact Statement,
A Draft Regulatory Impact Review,
An Initial Regulatory Flexibility Analysis,
A Draft Social Impact Analysis



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July 2018

Highly Migratory Species Management Division
Office of Sustainable Fisheries
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910



Amendment 11 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan

Actions: Implement management measures to address overfishing and establish the foundation for rebuilding North Atlantic shortfin mako sharks consistent with the 2017 ICCAT stock assessment and ICCAT Recommendation 17-08.

Type of Statement: Draft Environmental Impact Statement; Initial Regulatory Impact Review; Initial Regulatory Flexibility Analysis; Initial Social Impact Statement

Lead Agency: National Marine Fisheries Service

For Further Information: Atlantic Highly Migratory Species Management Division (F/SF1)
1315 East West Highway
Silver Spring, MD 20910
(301) 427-8503; (301) 713-1917

Abstract: The National Marine Fisheries Service (NMFS) is amending the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP) based on the new stock assessment for shortfin mako sharks (*Isurus oxyrinchus*) and measures required by the International Commission for the Conservation of Atlantic Tunas (ICCAT). The stock assessment indicated that the North Atlantic population of shortfin mako sharks is overfished and experiencing overfishing. In November 2017, ICCAT adopted management measures in Recommendation 17-08 to address overfishing and establish a timeline for rebuilding North Atlantic shortfin mako sharks. ICCAT will review the effectiveness of these measures from the first six months of 2018 and again in 2019. NMFS published an emergency interim final rule in response to this Recommendation to meet U.S. obligations at ICCAT and under the Atlantic Tunas Convention Act, and the Magnuson-Stevens Fishery Conservation and Management Act. The proposed measures in this action are intended to reduce fishing mortality on North Atlantic shortfin mako sharks to address the U.S. contribution to overfishing and to take steps toward rebuilding the stock. The cumulative ecological impacts of the preferred alternatives are expected to be minor and beneficial, while the socioeconomic impacts are expected to be minor and adverse.

EXECUTIVE SUMMARY

The National Marine Fisheries Service (NMFS) is considering conservation and management measures to address overfishing and establish a foundation for rebuilding North Atlantic shortfin mako shark stock.

Atlantic Highly Migratory Species (HMS) fisheries are managed under the dual authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and the Atlantic Tunas Convention Act (ATCA). Under the Magnuson-Stevens Act, NMFS must, consistent with ten National Standards, manage fisheries to maintain optimum yield on a continuing basis while preventing overfishing. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate to carry out recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT). The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries. The measures proposed in this amendment and associated rulemaking are taken under the authority of the Magnuson-Stevens Act and ATCA. Currently, Atlantic sharks, tunas, swordfish, and billfish are managed under the 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments.

On December 13, 2017, based on the results of ICCAT's stock assessment on the North Atlantic shortfin mako shark, NMFS determined the stock to be overfished with overfishing occurring. Through an interim final rule using emergency Magnuson-Stevens Act authority, NMFS temporarily and immediately implemented commercial and recreational measures consistent with ICCAT Recommendation 17-08 focused on maximizing live releases of shortfin mako sharks, allowing retention only in certain circumstances, increasing minimum size limits, and improving data collection in ICCAT fisheries (83 FR 8946; March 2, 2018). The temporary regulations initially may remain in effect for up to 180 days, but may be extended for an additional 186 days as described in section 305(c) of the Magnuson-Stevens Act. As the interim final rule could only be effective for at most 366 days, NMFS also announced its intent to prepare an Environmental Impact Statement (EIS) for Amendment 11 to the 2006 Atlantic Consolidated HMS FMP (Amendment 5) (83 FR 9255; March 5, 2018).

On March 5, 2018, NMFS also released an Issues and Options document presenting options for long-term conservation and management of the stock (<https://www.fisheries.noaa.gov/bulletin/submit-comments-options-address-overfishing-north-atlantic-shortfin-mako-sharks>). To facilitate discussions and input from the public and others during the development of Amendment 11, NMFS examined an initial range of options to meet specified objectives and National Environmental Policy Act (NEPA) requirements, and invited the public to comment on those options and on whether additional options should be examined. The comments received during the scoping phase helped NMFS develop the range of alternatives to analyze in a draft EIS and the proposed rule. As a result of additional public comment on these document, NMFS may make changes in Final Amendment 11 by modifying the preferred alternatives, selecting different alternatives, or adding new measures, to meet the same purpose and need of the Amendment.

In this document, we consider a reasonable range of alternative management measures to address overfishing and establish a foundation for rebuilding the shortfin mako shark stock, including: no action; modifying the commercial retention restrictions; using electronic monitoring and/or observers for verification of status of boarded sharks and size limit; prohibiting commercial and recreational retention; modifying the recreational size limit by sex and seasonal retention; expanding the requirement of the use of circle hooks by recreational shark fishermen; establishing a recreational tagging program; mandatory reporting on vessel monitoring systems; mandatory reporting of recreational catches; establishing a domestic rebuilding plan without ICCAT; foundation for an international rebuilding plan; species specific quota if established by ICCAT; and area management if established by ICCAT.

Consistent with the regulations published by the Council on Environmental Quality, 40 C.F.R. 1501-1508 (CEQ Regulations), we have identified our preferred alternatives. A full description and analysis of the different alternatives can be found in Chapters 2.0 and 4.0 of this document. We have identified preferred alternatives that would address overfishing and establish a foundation to rebuild North Atlantic shortfin mako sharks, consistent with the 2017 ICCAT stock assessment and ICCAT Recommendation 17-08, while appropriately considering the needs of fishermen and communities and maximizing sustainable fishing opportunities. The list of preferred alternatives can be found below (Table 0.1); the list of the full range of alternatives considered can be found in Chapter 2.0. The cumulative ecological impacts of the preferred alternatives are expected to be minor and beneficial, while the socioeconomic impacts are expected to be minor and adverse.

NMFS will take public comment into consideration before finalizing any alternatives, and the proposed measures may be altered or different alternatives may be adopted at the final rule stage. The CEQ regulations direct Federal agencies to the full extent possible to integrate the requirements of NEPA with other planning and environmental review procedures required by law or by agency practice so that all procedures run concurrently rather than consecutively. To that end, this document integrates the Draft Environmental Impact Statement (DEIS) required by NEPA with the fisheries planning and management requirements associated with proposed amendment to an FMP under the Magnuson-Stevens Act, the Initial Regulatory Flexibility Analysis required under the Regulatory Flexibility Act, 5 U.S.C. §§601-603; and the Regulatory Impact Review prepared in accordance with Executive Order 12866, “Regulatory Planning and Review.”

Full document is available at <http://www.mafmc.org/briefing/august-2018>