

Atlantic States Marine Fisheries Commission

**ADDENDUM V TO THE INTERSTATE FISHERY MANAGEMENT
PLAN FOR ATLANTIC COASTAL SHARKS**



Vision: Sustainably Managing Atlantic Coastal Fisheries

Approved October 23, 2018

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1.0 Introduction

Atlantic shark fisheries from Maine through the east coast of Florida are managed through complementary fishery management plans (FMPs) by the Commission and NOAA Fisheries Highly Migratory Species (HMS) Management Division. The Commission coordinates management of Atlantic sharks in state waters (0-3 miles) via the 2008 Atlantic Coastal Sharks Interstate FMP and Addenda I-V. Management authority in the exclusive economic zone (3-200 miles from shore) lies with NOAA Fisheries via the 2006 Consolidated Atlantic HMS FMP and associated Amendments.

This Addendum allows the Board to streamline the process of state implementation of federal shark regulations so that complementary measures are seamlessly and concurrently implemented at the state and federal level whenever possible.

2.0 Overview

2.1 Statement of Problem

The Commission's Coastal Sharks FMP allows for commercial quotas, possession limits, and season dates to be set annually through Board approved specifications. All other changes to commercial or recreational management can only be accomplished through an addendum or emergency action, as outlined in the Adaptive Management Section (4.5) of the FMP (ASMFC 2008). While addenda can be completed in a relatively short period of time (less than 6 months), the timing of the addenda and state implementation can result in inconsistencies between state and federal shark regulations, particularly when NOAA adopts changes through interim emergency rules. Inconsistencies can create confusion for anglers and commercial fishermen, present challenges for law enforcement, and most importantly, undermine the conservation of the resource, particularly when more restrictive measures have been implemented in federal waters based on changes in stock conditions. At times, the states can take up to a year to implement changes while at other times, states never implement any changes.

The only option for the Board to respond quicker than an addendum is through an emergency action, as outlined in the ISFMP Charter. However, there are rigorous criteria that define an emergency action, which are often not met. For example, NOAA Fisheries recently implemented an increase in the recreational size limit for shortfin mako sharks based on new assessment information. While this is an important conservation measure, it does not constitute an emergency action in states waters since the conservation of shortfin mako sharks is not substantially at risk by unanticipated changes in the ecosystem, the stock, or the fishery due to catch in state waters. After deciding not to modify shortfin mako regulations in state waters at the Board Meeting in May 2018, the Board chose to initiate this addendum to allow more flexibility in responding to changes in stock status for shortfin mako and all other shark species under the FMP moving forward.

2.2 Background

The Commission's Coastal Sharks FMP, adopted in 2008, manages coastal sharks as eight different complexes: prohibited, research, non-blacknose small coastal sharks (SCS), blacknose, aggregate large coastal sharks (LCS), hammerhead, pelagic, and smooth dogfish. Over the past nine years, the FMP has been adapted four times through addenda. These addenda have been adopted to match regulatory changes made by NOAA HMS for federal waters and HMS permit holders.

To develop commercial management specifications annually, NOAA Fisheries considers recent year's landings data, stock assessment information, international agreements, and input from the HMS Advisory Panel and the public. As part of the Consolidated HMS FMP, NOAA Fisheries can set commercial quotas, possession limits, and season start dates by shark management group. NOAA Fisheries monitors the regional commercial quotas throughout the year and makes adjustments to the season length and possession limit to ensure the quotas are not exceeded.

Generally, NOAA Fisheries will identify commercial specifications (i.e., quota adjustments, season start dates, and starting possession limits) in a proposed rule for HMS permit holders and federal waters in the fall, with the final rule released in November or December. NOAA Fisheries does not change recreational measures such as possession or size limits on an annual basis. Rather, as changes to the status of stock for shark species become available, NOAA Fisheries implements changes to both commercial and recreational measures in the regulations (e.g., baseline quota, size limits, baseline possession limits, etc.) to address these stock status changes through a proposed and final rulemaking. Additionally, in rare instances, NOAA Fisheries can implement interim emergency rule measures to respond to the new stock status or other emergencies. For all federal rulemakings, NOAA Fisheries provides at least one opportunity for public comment, although interim emergency rules may be implemented before public comment is considered.

Generally, the Commission follows NOAA Fisheries in setting specifications for the commercial fishery by adopting the same commercial quotas, possession limits, and season start dates by shark management groups. Annually, the Commission reviews the specifications as indicated in the proposed rule in October or early November, but often waits to finalize state waters specifications until after NOAA Fisheries publishes a final rule for federal waters. Some states move to implement changes in their measures for state waters and state permit holders once the final rule is published; others begin the process in the early part of the following year. As part of the Commission's complementary FMP, the Commission follows NOAA Fisheries for in-season changes to the possession limit. A previously noted, recreational management measures currently cannot be adjusted annually through specifications and require an addendum to modify the FMP.

3.0 Management Program

This Addendum modifies Sections 4.2 and 4.3 of the FMP. In the event that new scientific information or management changes for federal waters and HMS permit holders become available, the Board can consider adjusting the following management measures via Board action:

- Recreational size limits
- Recreational possession limits
- Recreational seasons
- Area closures (both recreational and commercial)
- Gear specifications (both recreational and commercial)
- Effort controls (both recreational and commercial)
- Commercial quotas
- Commercial possession limits
- Commercial seasons

The Board may seek input from the Coastal Sharks Technical Committee and Advisory Panel on how management measures should be adjusted at any point throughout the fishing season. Through a motion, the Board can then adopt these regulatory changes.

It is important to note these regulatory changes do not require public hearings or a designated public comment period; however, members of the public are welcome to submit comments to the Board ahead of or during the meeting to consider adjusting these measures. The commercial quota, possession limits, and season start dates will continue to be set through an annual specification process and can be modified during the season by the Board through a 2/3 majority vote. For all other listed measures above, the Board can still use the addendum process to modify measures if public comment is desired.

4.0 Implementation

Addendum V is effective as of October 23, 2018

References

Atlantic States Marine Fisheries Commission (ASMFC). 2008. Interstate Fishery Management Plan for Coastal Sharks.