

Atlantic States Marine Fisheries Commission

**ADDENDUM V TO THE INTERSTATE FISHERY MANAGEMENT
PLAN FOR SPINY DOGFISH**



Vision: Sustainably Managing Atlantic Coastal Fisheries

Approved October 2014

1.0 Introduction

Spiny dogfish are a highly migratory species of shark found in both federal and state waters. State waters extend from 0-3 miles offshore of the United States, while federal waters are 3-200 miles offshore. State and federal waters are managed through different processes.

Spiny dogfish are managed jointly in federal waters by the Mid-Atlantic Fishery Management Council (MAFMC) and the New England Fishery Management Council (NEFMC). These two councils make recommendations on management to the National Oceanographic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). NOAA Fisheries is then responsible for implementing management based on the input from the two councils. NOAA Fisheries is also subject to the laws of the United States that govern fisheries and fisheries management. The Magnuson-Stevens Fishery Conservation and Management Act (MSA) is the federal law which governs management of federal fisheries. NOAA Fisheries must also abide by other laws that may influence fisheries management (Marine Mammal Protection Act, Endangered Species Act, etc.).

The Atlantic States Marine Fisheries Commission (Commission) is responsible for management of spiny dogfish in state waters (0- 3 miles offshore). The Commission is a collaborative entity of the Atlantic coast states from Maine to Florida and is governed by the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA). Each state has three commissioners that sit on the various species boards; a legislative commissioner, a governor's appointee and the director of the fisheries agency in the respective state. Any states that are included in a Commission fishery management plan must comply with certain provisions contained in that plan. Spiny dogfish are currently managed under the Interstate Fishery Management Plan for Spiny Dogfish (2002) and Addenda I – IV.

At its May 2014 meeting, the Commission's Spiny Dogfish Management Board (Board) approved the following motion:

Move to initiate addendum to prohibit processing at sea of spiny dogfish and maintain consistency between the Spiny Dogfish FMP and Shark Conservation Act.

As a result, Addendum V modifies the Spiny Dogfish Fishery Management Plan to maintain consistency with the Shark Conservation Act of 2010.

2.0 Overview

2.1 Statement of the Problem

The Shark Conservation Act of 2010 (SCA) passed both the United States House and Senate in December 2010, and was signed into law by President Barack Obama in January 2011. The SCA requires that all sharks, including spiny dogfish, be brought to shore with their fins naturally attached, with one exemption for the smoothhound shark complex. The Spiny Dogfish FMP allows processing-at-sea of spiny dogfish, so long as the fin-to-carcass ratio on board the vessel is not greater than 5-to-95. An objective of the FMP is to promote complementary management of species in state and federal waters, so the Board is considering actions to maintain consistency with the Shark Conservation Act of 2010.

2.2 Background

Federal Management

The Shark Finning Prohibition Act (SFPA) was signed into law by President Bill Clinton in December 2000. Finning is defined as taking a shark, removing a fin or fins (whether or not including the tail), and returning the remainder of the shark to the sea. It is considered a wasteful practice because most of the shark is not utilized. The SFPA prohibited finning of sharks in the United States and required any fishing vessel to retain the corresponding carcasses of the shark fins on board, not to exceed a fin-to-carcass ratio of 5-to-95. The SFPA contained several loopholes that were brought forward during various court cases. The SCA was initiated to close those loopholes by requiring all sharks be landed with fins naturally attached to the carcass.

Once the SCA was signed into law, it amended the MSA. Consequent to the SCA becoming law, NOAA Fisheries published a proposed rule to implement the Act in May of 2013. The proposed rule prohibits any person from removing shark fins at sea, possessing shark fins on board a fishing vessel unless they are naturally attached, transferring or receiving shark fins from one vessel to another at sea unless the fins are naturally attached, landing shark fins unless they are naturally attached, landing sharks without their fins naturally attached, or possessing, purchasing, or selling shark fins or shark carcasses taken, transferred, landed, or possessed in violation of the regulations. The public comment period for the proposed rule closed on July 31, 2013, and NOAA Fisheries has not published a final rule as of the writing of this document.

State Management

Section 4.1.7 Prohibition of Finning of the original ISFMP prohibits finning of spiny dogfish in state waters. The section also allows vessels to remove fins at-sea, so long as the carcass is retained. Vessels that remove the fins must land fins in proportion to the carcasses, with a maximum fin-to-carcass ratio of 5-to-95 (5%), by weight, consistent with the Shark Finning Prohibition Act of 2000. However, this current prohibition is now inconsistent with federal regulations under the SCA.

Several states already require landing all species of sharks with fins-naturally-attached. Those states are as follows: Maine, New Hampshire, New York, New Jersey, Delaware and Virginia. These states would not need to take action should Draft Addendum V move forward since they are in compliance with the Shark Conservation Act.

3.0 Management Program

3.1 Fins-Naturally-Attached Policy

This section replaces *Section 4.1.7 Prohibition of Finning* of the Interstate Fishery Management Plan for Spiny Dogfish.

Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish will be prohibited in state waters. In addition, removing any fin of spiny dogfish at-sea is prohibited (including the tail). All spiny dogfish must be landed with fins-naturally-attached to the corresponding carcass. Gutting fish at-sea is permitted, so long as the fins remain attached by a portion of uncut skin.

4.0 Compliance Schedule

If approved, states must implement Addendum V according to the following schedule to be in compliance with the Spiny Dogfish ISFMP:

April 1, 2015: States submit regulation changes (if necessary) to meet requirements of Addendum V.

May 4 - 7, 2015: Management Board reviews and takes action on state proposals.

May 1, 2015: States implement regulations.