Atlantic States Marine Fisheries Commission

ADDENDUM IV TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR ATLANTIC COASTAL SHARKS

ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries

Approved August 2016

1. Introduction

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

At the February 2016 Coastal Sharks Management Board (Board) meeting, the Board initiated Addendum IV to the FMP to propose consistent management measures for smoothhound sharks between state and federal waters with the following motion: *Move to initiate an addendum to the coastal sharks FMP to address a disconnect of the processing at sea. Commercial fisherman can fully dress (remove head and fin and gut at sea) smooth dogfish if at least 25% of retained catch is smooth dogfish.*

The smoothhound shark complex is one of several shark species groupings managed in state and federal waters; it includes two species: smooth dogfish (*Mustelus canis*) and Florida smoothhound (*Mustelus norrisi*). The latter is not considered in this document; the focus of Addendum IV is on smooth dogfish, specifically.

Prior to the implementation of Addendum IV, commercial fishermen could land smooth dogfish carcasses with corresponding fins removed from the carcass. Addendum IV amends the Coastal Sharks FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch, by weight, is composed of at least 25 percent smooth dogfish. Fishermen can retain smooth dogfish in an amount less than 25 percent of the total catch provided the smooth dogfish fins remain naturally attached to the carcass. Additionally, fishermen could retain other sharks on board regardless of the percent catch composition of smooth dogfish, the fins of other shark species must remain naturally attached to the carcass through landing.

2. Overview

2.2 Statement of the Problem

The purpose of this addendum is to maintain consistency between federal and state FMPs, where possible, and to better incorporate the intent of the smooth dogfish exemption in the Shark Conservation Act of 2010 (SCA) into state regulations. In November 2015, NOAA Fisheries published the final rule for Amendment 9 to the 2006 Consolidated Atlantic HMS FMP which brought smoothhound sharks under federal management effective March 15, 2016. In addition to other management measures,

Amendment 9 established a catch composition requirement in order to remove smooth dogfish fins at sea.

2.3 Background

Prior Federal and State Regulations
The Shark Finning Prohibition Act of 2000 prohibits shark finning—the removal of shark fins and disposal of shark carcasses at sea—within United States waters. Thus, shark fins and carcasses must be landed together. This requirement was included in the Coastal Sharks FMP, remains in effect, and is not the focus of this addendum.

The SCA requires all sharks in the United States to be landed with their fins naturally attached to the carcass but includes a limited exception for smooth dogfish. Naturally attached is defined as attached to the corresponding shark through some portion of uncut skin. The exception allows fishermen engaged in commercial fishing for smooth dogfish to remove the fins of smooth dogfish if the following minimum requirements are met: possess a valid state commercial fishing license, are fishing within 50 nautical miles from the baseline of an Atlantic state (Maine through Florida), and the total weight of smooth dogfish fins landed cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses. To complement the federal FMP and the SCA, these provisions were included in the Coastal Sharks FMP via Addendum II in 2013.

Consideration of a Smooth Dogfish Catch Composition in State Waters
This addendum and NOAA Fisheries Amendment 9 provide an analysis of vessel trip report (VTR) data. The available VTR data captures gear and landings data on fishermen with a federal Northeast Region permit[1] from 2003-2014. Given commercial fishermen with only a state fishing license (i.e. non-federally permitted vessels) are not required to submit a vessel trip report it is not possible to separate smooth dogfish harvest in state versus federal waters. As a result, south Atlantic fishermen[2] or fishermen not holding a Northeast permit may not be captured in this VTR analysis.

NOAA Fisheries Amendment 9 brings smoothhound sharks under federal management and implements the smooth dogfish-specific provisions in the SCA. The SCA specifies the exception for smooth dogfish to have their fins removed at sea applies when "an individual is engaged in commercial fishing for smooth dogfish," as opposed to fishing for other species or when fishing and incidentally catching smooth dogfish. In Amendment 9, NOAA Fisheries interprets the phrase "commercial fishing for smooth

[1] Prior to 2016, smooth dogfish were not managed in federal waters. Therefore a federal directed shark limited access permit was not required. As a result of NOAA Fisheries Amendment 9, a federal smoothhound commercial permit was developed and is now a requirement in order to harvest smooth dogfish in federal waters.
[2] North Carolina is separated by management areas north and south of Cape Hatteras, creating a split in the smooth dogfish fishery between the state waters and the federal Northeast and Southeast regions.

dogfish" to mean a trip where smooth dogfish comprise at least 25 percent of the total retained catch.

NOAA Fisheries selected 25 percent in response to public comments during the rulemaking process and landings data indicating the mixed nature of the fishery. Sink gillnet gear, the predominant gear used in the directed smooth dogfish fishery (Figure 1), often catch other species such as bluefish, croaker and spiny dogfish (Figure 2). Therefore, it was determined that a retained catch composition of at least 25 percent smooth dogfish is an indication that effort was directed on the species. The 25 percent catch composition requirement was implemented in federal waters (effective March 15, 2016).

Figure 1. Smooth Dogfish Landings by Gear Type (2003-2014);
Source: Vessel Trip Report (VTR) data, 2003-2014 (NMFS 2015b)

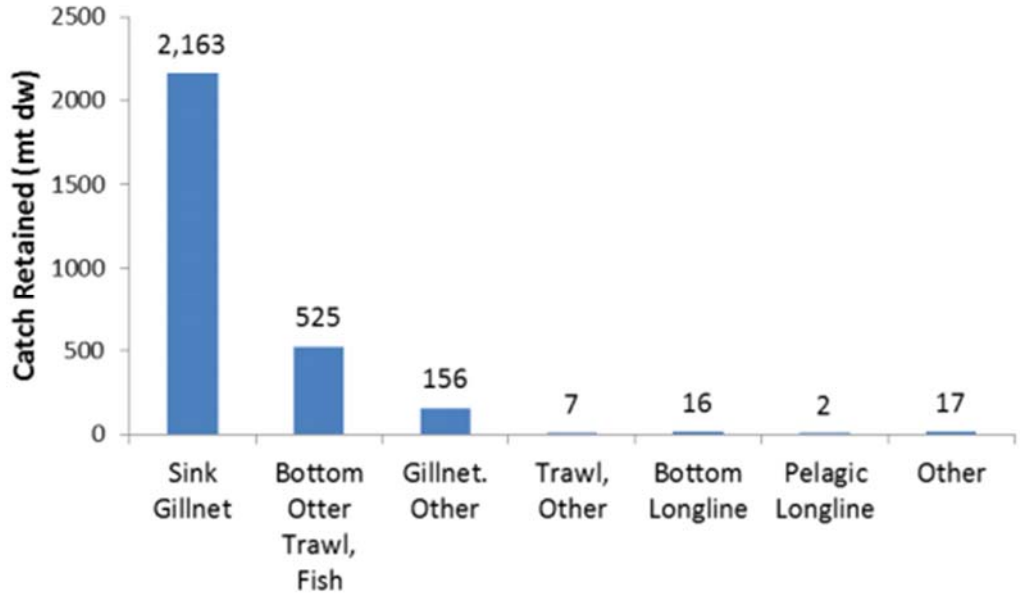
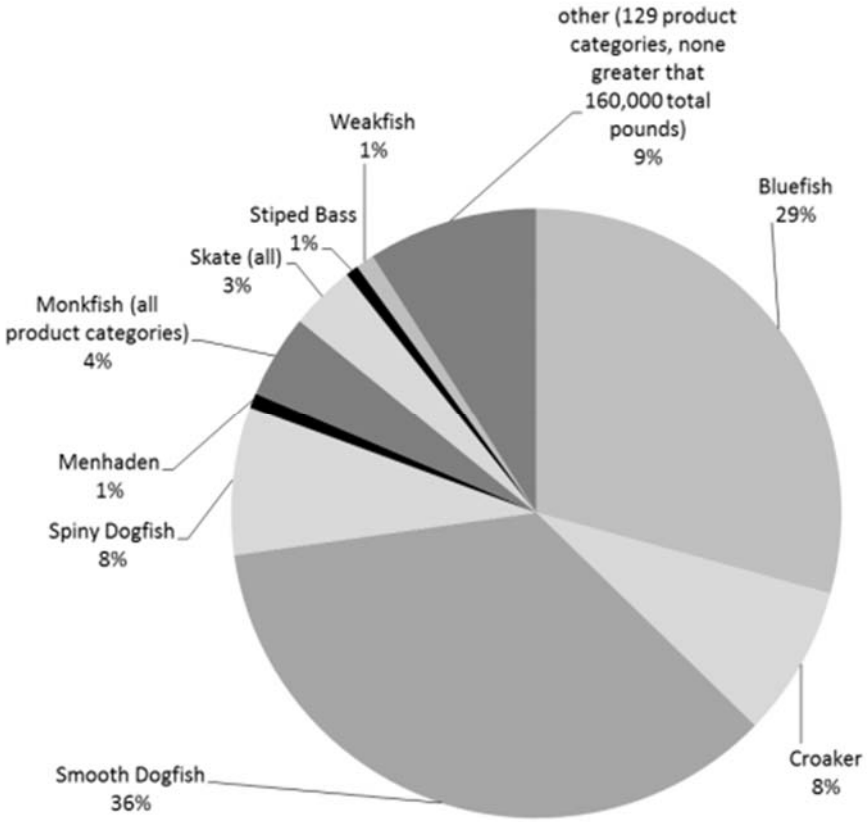


Figure 2. Species caught with smooth dogfish in sink gillnet gear, relative levels; Source: VTR data, 2003-2014 (NMFS 2015b)



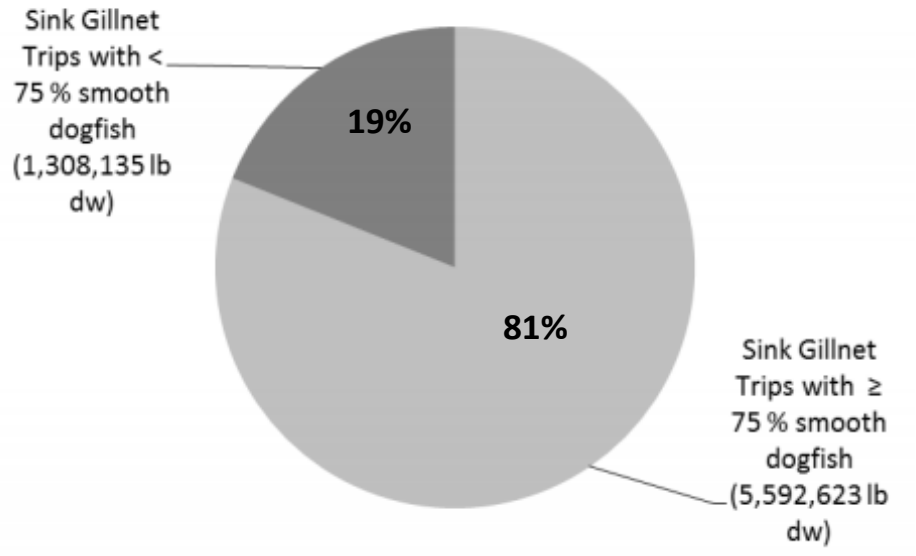
On average, almost half of the reported trips that landed smooth dogfish in sink gillnet gear between 2003 and 2014 would be considered a 'directed' smooth dogfish fishing trip, meaning the retained catch on these trips was comprised of at least 25 percent smooth dogfish (Table 1).

Table 1. Number and percentage of trips landing smooth dogfish in sink gillnet gear, by year; Source: VTR data, 2003-2014 (NMFS 2015b)

	2003	**2004**	**2005**	**2006**	**2007**	**2008**	**2009**	**2010**	**2011**	**2012**	**2013**	**2014**
Number of trips	590	633	548	677	626	550	878	1,184	1,207	1,237	1,282	1,295
Number of trips that landed ≥ 25 % smooth dogfish	315	364	229	202	264	256	447	710	647	629	606	582
Percentage of trips that landed ≥ 25 % smooth dogfish	53%	58%	42%	30%	42%	47%	51%	60%	54%	51%	47%	45%

When analyzing sink gillnet trips and landings together the data indicated the majority (81%) of smooth dogfish landings came from trips with a high catch composition (i.e. at least 75% smooth dogfish were retained, Figure 3).

Figure 3. Proportion of smooth dogfish landings from trips using sink gillnets where the percent of the catch retained was greater than or less than 75 percent smooth dogfish; Source: VTR Data, 2003-2014 (NMFS 2015b)



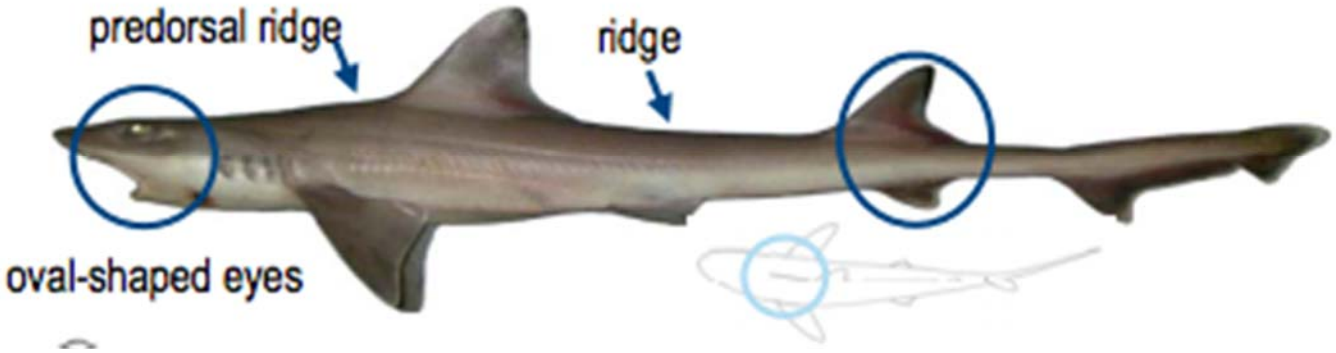
Fishery Considerations

Based on the VTR analysis, the majority of landings were caught on trips that retained at least 75 percent smooth dogfish (Figure 3). In addition, almost half of the trips that landed smooth dogfish in sink gillnet gear would be considered a 'directed' smooth dogfish trip (Table 1). Therefore, a 25 percent catch composition is unlikely to change fishing effort to a great extent. As such, landings would likely remain near pre-SCA levels.

Enforcement Considerations

Allowing the removal of smooth dogfish fins at sea should not raise enforcement concerns or impact the conservation of non-smooth dogfish sharks because smooth dogfish carcasses can be easily identified from other shark carcasses by the presence of a pre-dorsal ridge, and by the lack of fin spines and dorsal spots. While other "ridgeback sharks" have an interdorsal ridge, smooth dogfish are the only shark species in the Atlantic that have a pre-dorsal ridge (Figure 4).

Figure 4. Distinctive Characteristics on a Smooth Dogfish Shark



3. Management Program

Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea

This modifies Addendum II, Section 3.5 Smoothhound Shark Commercial Processing at Sea

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and all shark fins of smooth dogfish (*Mustelus canis*) while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading, as described in *Section 4.3.11* of the Coastal Sharks FMP.

The comprehensive regulations on shark fin removal can be found in Appendix A of this addendum.

4. Compliance Schedule

States must implement Addendum IV according to the following schedule to be in compliance with the Coastal Sharks FMP:

January 1, 2017: All states must implement Addendum IV into their management programs prior to this deadline.

5. Literature Cited

NMFS. 2015a. Final Rule implementing Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: https://www.federalregister.gov/articles/2015/11/24/2015-29516/atlantic-highly-migratory-species-smoothhound-shark-and-atlantic-shark-management-measures

NMFS. 2015b. Final Environmental Assessment for Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9_final_ea.pdf

Shark Conservation Act of 2010, Pub. L. No. 111-348, 124 Stat. 3668. 2010. Retrieved from https://www.congress.gov/111/plaws/publ348/PLAW-111publ348.pdf

Appendix A. Overview of Shark Fin Removal Regulations as Modified in Addendum II and IV of the FMP

Finning and Identification *(Section 4.3.11)*
All sharks, with the exception of smooth dogfish sharks, harvested by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass through landing. Fins may be cut as long as they remain attached to the carcass (by natural means) with at least a small portion of uncut skin. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and all shark fins of smooth dogfish (*Mustelus canis*) while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Trips that do not meet the 25 percent catch composition requirement can land smooth dogfish, but the fins must remain naturally attached to the carcass. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading.

If fins of smooth dogfish are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smooth dogfish shark carcasses landed or found on board a vessel.