Coastal Sharks: Draft Addendum IV Public Comment Summary

Presented to the Coastal Sharks Board
August 2, 2016

Timeline

February 2016	Coastal Sharks Board Tasks PDT to Develop Draft Addendum IV
Feb-April 2016	PDT Develops Draft Addendum IV for Public Comment
May 2016	Coastal Sharks Board Reviews Draft Addendum IV and Considers Its Approval for Public Comment
June-July 2016	Board Solicits Public Comment and States Conduct Public Hearings
August 2016	**Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum IV**
TBD	Provisions of Addendum IV are Implemented

AMENDMENT 9 TO HMS FMP – BOARD RESPONSE

The Board is considering…

- ❑ **25% catch composition requirement to remove the fins of smooth dogfish at sea**

The Board has already considered…

✓A federal Commercial Shark Dealer Permit is required to buy and sell smoothhound

✓Smoothhound shark quotas based on recent stock assessments

X Sink and drift gillnet requirements

The Board has chosen not to consider…

- Federal commercial smoothhound shark permit for retention
- Recreational permit requirement for retention
- Modified VMS requirement in the directed shark gillnet fishery
- Observer requirements in the commercial smoothhound shark fishery

Shark Conservation Act of 2010

Limited exception on the fins naturally attached policy; it allows an "individual engaged in commercial fishing for smooth dogfish" to remove fins at sea provided:

- Possession of a state commercial fishing license that allows fishing for smooth dogfish;
- The vessel is located between the shore and 50 nm and is along the Atlantic Coast (Maine through the east coast of Florida; and
- The fin-to-carcass ratio does not exceed 12 percent

SCA Interpretation

- NOAA Fisheries interprets the Shark Conservation Act phrase “commercial fishing for smooth dogfish” to mean…

  a trip where smooth dogfish comprise at least 25 percent, by weight, of the total retained catch on board at the time of landing

- Commission's interpretation of SCA?

Management Program Options

Option A: Status Quo

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and fins of smooth dogfish while at sea in accordance with *Section 3.5* of Addendum II to the Coastal Sharks Interstate FMP, which stipulates "commercial fishermen may remove all smoothhound shark fins year round."

Management Program Options

Option B: Establish a Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea

The following text will be added to Addendum II, Section 3.5 Smooth Dogfish 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. 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.

Public Comment Summary

	Public Hearing	Written Comment
ME, MA, RI	-	-
CT	0 attendance	1 public
NY	1 NOAA	2 public
NJ	0 attendance	1 public
DE	-	-
MD	5 fishermen	-
VA	-	2 public
NC	2 fishermen	3 fishermen
SC, GA, FL	-	-
Other		2 public & 4 organizations
TOTAL	**8 attendees**	**11 individual written comments** **4 organization written comments**

1. Written Comment Summary

Option	Description	Individual	Org	Total
A	Harvesters can remove the fins of smooth dogfish at sea, year-round (Status Quo)	3	-	**3**
B	Implement a 25% catch composition requirement in order to remove the fins of smooth dogfish at sea (mirrors regulations for federal vessels)	-	-	**-**
Not an option in Draft Addendum IV	Require all smooth dogfish to be landed with fins naturally attached, regardless of catch composition	8	4	**12**

Organizations include: Oceana, Shark Advocates International, Project AWARE, Humane Society of the United States

1. Written Comment Summary

- 3 comments in favor of status quo (NC fishermen)
  - Want to provide the best quality product which entails processing immediately
  - Processing is a time-intensive endeavor; one cannot afford to discard in the event the catch composition requirement is not met
  - The alternative does not provide a conservation benefit

- 12 comments in favor a fins naturally attached policy for smooth dogfish (public)
  - As long as there is a market for shark fins then finning is a possibility
  - Fins naturally attached is the simplest, most enforceable method for preventing shark finning

2. Public Hearing Summary

- All participants are in favor of status quo
  - Discarding processed fish will negatively affect fishermen and the resource
  - Smooth dogfish is sold primarily as a meat product, keeping the fins naturally attached will effect quality
  - Concerned at sea weight estimates may result in not meeting the catch composition requirement and subsequent penalties
  - Could impose safety concerns if fishermen have to continue to set nets to reach the catch composition requirement
  - The alternative does not provide a conservation benefit for the resource

Questions

Coastal Sharks: Draft Addendum IV Advisory Panel

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Advisory Panel

- Representation from 25% of the AP
- 1 participant is in favor of a fins naturally attached policy
- 1 AP member sent a comment via email in favor of the 25% catch composition requirement
- 2 participants did not provide comments on the issue

Questions

Coastal Sharks: 2015 FMP Review

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Coastal Sharks FMP

- Fishery Management Plan (Implemented January 2009)
  - Addendum I (September 2009)
  - Addendum II (May 2013)
  - Addendum III (October 2013)
- The focus of the 2015 FMP Review was to review state implementation of Addendum III.

Addendum III

- Timeline:
  - ✓ Approved in October 2013
  - ✓ State implementation plans reviewed in February 2014
  - ✓ Implemented in March 2014
  - ❑ Review compliance at August 2016 Board meeting

Elements of compliance

1) Create the following species management groups:
   - Aggregated Large Coastal, Hammerhead, Blacknose, Non-Blacknose Small Coastal, Pelagic, Smoothhound, Prohibited, Research

2) Enforce a minimum recreational size limit of 78 inches for all hammerhead shark species (smooth hammerhead, scalloped hammerhead and great hammerhead).

De Minimis

- States can request *de minimis* status on a case-by-case basis.
- Board approved ME and NH *de minimis* requests for Addendum III in February 2014

PRT Comments

- The Plan Review Team (PRT) found all states to have regulations that are consistent with the FMP and associated addenda with one exception.
- Connecticut provided a 2015 compliance report (available in the compliance report binder). However, it was sent after the PRT met and after the FMP Review had been finalized.
- The PRT will review CT's compliance report to ensure measures are consistent with the FMP. The Board will be notified if any issues arise.

Recommendations

- The PRT recommends the Board approve the 2015 Coastal Shark FMP Review.

Questions