



Atlantic States Marine Fisheries Commission

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Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015

Peter Cooper
NOAA Fisheries
Highly Migratory Species Management Division
1315 East-West Highway
Silver Spring, Maryland 20910

February 12, 2013

Mr. Cooper,

On behalf of the Atlantic States Marine Fisheries Commission Spiny Dogfish and Coastal Sharks Fishery Management Board (Board), I am submitting comments on the proposed rule of Amendment 5 to the Consolidated Highly Migratory Species Fishery Management Plan (NOAA–NMFS–2012–0161).

Some member states have expressed concern with several aspects of the Draft Amendment. We understand the agency is attempting to protect dusky sharks, but we question some of the proposed methods and their effectiveness at accomplishing that goal. In terms of the preferred draft alternative, here are specific comments and/or concerns followed by possible solutions:

TAC and Commercial Quota Measures – Alternative Suite A2 Quota Linkages – Link Atlantic scalloped hammerhead and Atlantic Aggregated LCS quotas/Link Atlantic blacknose and Atlantic non-blacknose SCS quotas

Concerns

- Having one species as a “trigger” or choke species for closure of other species can result in reduced fishing opportunity and significant economic consequences

Suggestions

- Expected post-quota bycatch mortality for scalloped hammerhead or Atlantic blacknose could be calculated and subtracted from the overall quota and allow fishermen to continue fishing on the other “linked” quotas.
- Alternate Suite A3 with no linkages may present a better option for management

Recreational Measures – Alternate Suite A2 – Increase shark minimum recreational size to 96”

Concerns

- A 96” fork length recreational size limit would eliminate almost all recreational shark harvest in federal waters adjacent to our state waters (other than the one Atlantic sharpnose (no minimum size) and one bonnethead (no minimum size) per person per day regulation for SCS).
- It is unclear why the new size limit (96”) will apply to pelagic species instead of solely large coastal species. We would like NOAA Fisheries to clarify how reducing landings of pelagic sharks will protect coastal sharks, and consequently, dusky sharks.
- Size at maturity for dusky sharks is 93”, but NOAA Fisheries rounds to 96” for all species for ease of enforcement by rounding to the nearest foot. A measurement to the inch is frequently done with accuracy in recreational fisheries management.

Suggestions

- Provide outreach to recreational anglers on prohibited ridge-backed species and encourage circle hooks for recreational shark fishing
- Implement a fine for landing a dusky shark to address the illegal landings which are still occurring.

Pelagic and Bottom Longline Effort Control Measures - Alternative Suite B3 - Establish time/area closures based on high levels of dusky shark interactions – Alternatives B3b, B3c and B3d – Prohibit use of pelagic longline (PLL) gear May, June and November in the Hatteras Shelf area

Concern

- The economic evaluation of this closure underestimates the economic loss. Redistributing effort to other “open” areas may not be possible due to vessel size, current, or available catch. Trip expenses would also increase with fuel, food, ice and more travel time versus fishing time. The economic evaluation suggested the displaced PLL could shift to dolphin which would result to changes in gear and would increase the problems with dolphin allocation in the South Atlantic.

Suggestions

- Re-evaluate the economic impact that this closed area would have, including the consequences of redistributing effort
- PLL fishermen need the ability to transit the closed areas if gear is stowed - stow gangions, hooks could not be baited, and buoys removed from the mainline and drum

Pelagic and Bottom Longline Effort Control Measures - Alternative B5 – Current time/area closure modifications – Modify the timing of the existing mid-Atlantic shark closure to December 15 to July 15

Concern

- The December 15 start date for the closure will disadvantage some of our member state’s fishermen if quota still remains in the LCS non-sandbar fishery after the start date

Suggestion

- Move start date to January 1

The Board is also concerned with the estimates used to determine the harvest reduction of dusky sharks. Only three sharks were observed over three years, yet these observations were extrapolated into the hundreds. It is troublesome the 60% harvest reduction is based on these harvest estimates with very high PSE’s (100 or greater for any reference period).

We do support the portion of the Amendment regarding the shark research fishery. It is a necessary and non-controversial measure. Thank you for the opportunity to comment on the proposed rule.

The requirement to meet the two-year rebuilding for scalloped hammerhead was cited as the reason for not extending the comment period. The Board recommends moving forward with management measures to end overfishing for scalloped hammerhead while delaying the remaining measures in the Amendment until they are more fully developed with the HMS Advisory Panel, councils, states, and the Commission.

Sincerely,



Robert E. Beal

Maine 2011 Coastal Sharks Compliance Report

I. Introduction

Very few of the species managed in the Interstate Fisheries Management Plan for Coastal Sharks occur in Maine's coastal waters and the species that are encountered by Maine commercial and recreational fishermen are caught in Federal waters outside the jurisdiction of the State.

The Spiny Dogfish & Coastal Sharks Management Board (Board) granted Maine *de minimis* status in 2009, based on recommendations of the Coastal Sharks Technical Committee and Plan Review Team. In their July reports, the TC and PRT recommended:

"The TC recommends that the Board grant Maine de minimis status as long as they implement all measures contained in this letter¹. Maine does not harvest many sharks and implementing the measures in their letter is likely to provide sufficient regulation to ensure that the goals and/or objectives of the FMP are met."

Following Board approval of their *de minimis* proposal, the Department of Marine Resources (DMR) implemented the following regulations in 2009, and these regulations have remained unchanged since.

- Require federal dealer permits for all Maine dealers purchasing Coastal Sharks.
- Prohibit the take or landing of prohibited species in the plan including: sand tiger, bigeye, sand tiger, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.
- Close the fishery for porbeagle sharks when the NMFS quota has been harvested.
- Prohibit the commercial harvest of porbeagle sharks from State waters.
- Require that head, fins and tails remain attached to the carcass of all shark species through landing.

There were no significant changes to the coastal sharks regulations in 2011 and 2012.

II. Request for *de minimis*, where applicable.

Maine requests continued *de minimis* status as coastal shark landings are minimal or non-existent and current regulations are sufficient to ensure the goals and objectives of the FMP are met.

III. Previous calendar year's fishery and management program

a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

None

¹ Refers to attached July 28, 2009 letter.

- b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).**

None

- c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.**

See attached.

- d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).**

According to NMFS MRIP recreational data, in 2011, blue shark was the only species managed in the FMP that was caught in the "Maine Geographic Area". In 2011, 9,476 blue sharks were caught (A + B1 + B2) in Maine.

- e. Review of progress in implementing habitat recommendations.**

Does not apply to Coastal Sharks FMP.

IV. Planned management programs for the current calendar year

- a. Summarize regulations that will be in effect.**

Refer to III c.

- b. Summarize monitoring programs that will be performed.**

None.

- c. Highlight any changes from the previous year.**

No changes were implemented in 2011.

V. Plan specific requirements

- a. Recreational seasonal closure as specified in Section 4.2.1.**

Does not apply to Maine state waters.

- b. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.**

Take of sand tiger, bigeye, sand tiger, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill shark prohibited.

- c. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass.**

See attached regulations.

- d. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.**

Not required under Board approved *de minimis* plan.

- e. Recreational anglers may only use handlines and rod & reel.**

Not required under Board approved *de minimis* plan.

- f. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.**

Not required under Board approved *de minimis* plan.

- g. Commercial seasonal closure as specified in Section 4.3.2.**

Does not apply to Maine state waters.

- h. Quota specifications as specified in Section 4.3.4.**

Not required under Board approved *de minimis* plan.

- i. Ability to allocate quotas seasonally as specified in Section 4.3.5.**

Not required under Board approved *de minimis* plan.

- j. Possession limits as specified in Section 4.3.6.**

Not required under Board approved *de minimis* plan.

- k. Commercial permit requirement.**

See attached regulations.

- l. Display and research permit requirements.**

Not required under Board approved *de minimis* plan.

- m. Federal Commercial Shark Dealer Permit requirement.**

See attached regulations.

- n. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).**

Not required under Board approved *de minimis* plan.

- o. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).**

Not required under Board approved *de minimis* plan.

- p. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).**

See attached regulations.

DEPARTMENT OF MARINE RESOURCES
CHAPTER 50 - SPINY DOGFISH AND COASTAL SHARKS

TITLE INDEX

- 50.01 Definitions
- 50.02 Harvest, Possession and Landing Restrictions
- 50.03 Spiny Dogfish Endorsement for Dealers, License for Harvesters, Reporting Requirements and Quota
- 50.04 Shark, Dealers
- 50.10 Finning Prohibited

DEPARTMENT OF MARINE RESOURCES

Chapter 50 Spiny Dogfish and Coastal Sharks

50.01 Definitions

1. "Coastal Sharks" means for the purpose of these regulations ~~any~~ the following species of shark caught in Maine's territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.
2. "Finning" means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish, porbeagle or other coastal shark to the sea.
3. "Spiny dogfish" means the genus and species *Squalus acanthias*.
4. "Porbeagle shark" means the genus and species *Lamna nasus*,

50.02 Harvest, Possession and Landing Restrictions

A. Spiny Dogfish

When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

(1) Exception

- (a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.
- (b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.

(2) Spiny Dogfish Trip Limit

It is unlawful to harvest, land or possess more than 3,000 pounds of spiny dogfish from May 1 to October 31 (period one) and from November 1 to April 30 (period two) during those dates when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).

B. Porbeagle shark

- (1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.
- (2) When the quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the Interstate Fisheries Management Plan for Atlantic Coastal Sharks established by the Atlantic States Marine Fisheries Commission.

C. Coastal Sharks

The take of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.

50.03 Spiny Dogfish Endorsement for Dealers, License for Harvesters, Reporting Requirements and Quota

- A. Harvester License and Dealer Endorsement
 - (1) Commercial harvesters must obtain a Commercial Pelagic and Anadromous Fishing License in order to participate in this fishery.
 - (2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.
- B. Reporting: See Chapter 8. Future license or endorsements will be dependent upon reporting compliance.
- C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.

50.04 Shark, Dealers

- A. Dealer permit requirement
Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.

50.10 Finning Prohibited

Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally to the carcass through landing. The porbeagle, coastal shark or dogfish may be bled.

DEPARTMENT OF MARINE RESOURCES

CHAPTER 50 - SPINY DOGFISH AND COASTAL SHARKS:

INDEX

EFFECTIVE DATE:

December 24, 2000

AMENDED:

June 27, 2006 – Section 50.02(B)

June 27, 2006 – Section 50.01(1)(2) & 50.10

June 25, 2007 – Section 50.02(A)&(B); 50.03

February 25, 2008 – Section 50.02(A) & (B)

February 22, 2010 – Section 50.01(1)(2); added (3) & (4)

February 22, 2010 – Section 50.02(A); added (B) & (C)

February 22, 2010 – Section 50.04 added

February 22, 2010 – Section 50.10

October 26, 2010 – Section 50.03 (A)(1)(2) & (B)

Coastal Sharks Compliance Report New Hampshire -2011

I. Introduction

Summary of the year: highlight any significant changes in monitoring, regulations, or harvest.

II. Request for *de minimis*, where applicable.

The State of New Hampshire requests *de minimis* status for the coastal sharks in 2013. NH was first granted *de minimis* status by the Board in 2009 under the following provisions:

- Provide protections for prohibited species
- Require federal dealer permits
- Require that all fins and tails remain attached to the carcass in the commercial fishery
- Close the fishery for porbeagle sharks when the NMFS quota has been harvested.

The state rules shown under Section III c. addressed these provisions and will continue to remain in place for 2013.

No coastal sharks were harvested or landed in New Hampshire during 2009, 2010, and 2011 which constitutes less than one percent of the coast wide commercial landings during those years. If the *de minimis* threshold was reached, New Hampshire Fish and Game Department has the ability to close the fishery.

III. Previous calendar year's fishery and management program

a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

Two individuals were licensed to take, land, or sell sharks in New Hampshire under a commercial saltwater license in 2011. No shark harvest or landings were reported.

b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

New Hampshire participates in an inshore trawl survey with the state of Maine. No coastal sharks were observed in the trawl survey in 2011.

c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Fis 603.20 Sharks.

(a) No person shall take, land or possess the following species of sharks in state waters:

- (1) Sand tiger (*Carcharias taurus*);
- (2) Bigeye sand tiger (*Odontaspis noronhai*);

- (3) Whale (*Rhincodon typus*);
- (4) Basking (*Cetorhinus maximus*);
- (5) White (*Carcharodon carcharias*);
- (6) Dusky (*Carcharhinus obscurus*);
- (7) Bignose (*Carcharhinus altimus*);
- (8) Galapagos (*Carcharhinus galapagensis*);
- (9) Night (*Carcharhinus signatus*);
- (10) Reef (*Carcharhinus perezii*);
- (11) Narrowtooth (*Carcharhinus brachyurus*);
- (12) Caribbean sharpnose (*Rhizoprionodon porosus*);
- (13) Smalltail (*Carcharhinus porosus*);
- (14) Atlantic angel (*Squatina dumeril*);
- (15) Longfin mako (*Isurus paucus*);
- (16) Bigeye thresher (*Alopias superciliosus*);
- (17) Silky (*Carcharhinus falciformis*);
- (18) Sharpnose sevengill (*Heptranchias perlo*);
- (19) Bluntnose sixgill (*Hexanchus griseus*);
- (20) Sandbar (*Carcharhinus plumbeus*); and
- (21) Bigeye sixgill (*Hexanchus nakamurai*).

(b) Porbeagle shark (*Lamna nasus*) shall only be taken by recreational fishing from state waters.

(c) The head, fins and tail of all shark species shall remain attached to the carcass through landing.

(d) Dealers licensed under RSA 211:49-aa or RSA 211:49-c who purchase any of the following species of coastal sharks shall first obtain a federal dealer permit:

- (1) Smooth Dogfish (*Mustelus canis*);

- (2) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
- (3) Finetooth (*Carcharhinus isodon*);
- (4) Blacknose (*Carcharhinus acronotus*);
- (5) Bonnethead (*Sphyrna tiburo*);
- (6) Tiger (*Galeocerdo cuvier*);
- (7) Blacktip (*Carcharhinus limbatus*);
- (8) Spinner (*Carcharhinus brevipinna*);
- (9) Bull (*Carcharhinus leucas*);
- (10) Lemon (*Negaprion brevirostris*);
- (11) Nurse (*Ginglymostoma cirratum*);
- (12) Scalloped hammerhead (*Sphyrna lewini*);
- (13) Great hammerhead (*Sphyrna mokarran*);
- (14) Smooth hammerhead (*Sphyrna zygaena*);
- (15) Shortfin mako (*Isurus oxyrinchus*);
- (16) Porbeagle (*Lamna nasus*);
- (17) Common thresher (*Alopias vulpine*);
- (18) Oceanic whitetip (*Carcharhinus longimanus*); or
- (19) Blue (*Prionace glauca*).

d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).

There was no documented recreational or commercial harvest in New Hampshire state waters by any gear type. Marine Recreational Information Program (MRIP) estimates for 2011 indicate 176 short fin mako were caught recreationally and released alive. None were released dead or retained.

e. Review of progress in implementing habitat recommendations.

New Hampshire has requested *de minimus* status.

IV. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect.

Refer to III c.

b. Summarize monitoring programs that will be performed.

New Hampshire will continue to collect data from individuals harvesting in state waters and continue to be involved in the cooperative Maine/New Hampshire trawl survey.

c. Highlight any changes from the previous year.

No changes were implemented in 2011.

V. Plan specific requirements

a. Recreational seasonal closure as specified in Section 4.2.1.

New Hampshire has prohibited the take, landing, and possession in NH state waters of the specified species indicated for closures in the FMP.

b. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.

New Hampshire has requested *de minimus* status.

c. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass.

New Hampshire requires head, tail, and fins remain attached to all sharks taken, landed, or possessed in New Hampshire.

d. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.

New Hampshire has requested *de minimus* status.

e. Recreational anglers may only use handlines and rod & reel.

New Hampshire has requested *de minimus* status.

f. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.

New Hampshire has requested *de minimus* status.

- g. Commercial seasonal closure as specified in Section 4.3.2.**

New Hampshire has requested *de minimus* status.
- h. Quota specifications as specified in Section 4.3.4.**

New Hampshire has requested *de minimus* status.
- i. Ability to allocate quotas seasonally as specified in Section 4.3.5.**

New Hampshire has requested *de minimus* status.
- j. Possession limits as specified in Section 4.3.6.**

New Hampshire has requested *de minimus* status.
- k. Commercial permit requirement.**

A commercial license is required to land sharks in New Hampshire.
- l. Display and research permit requirements.**

New Hampshire has requested *de minimus* status.
- m. Federal Commercial Shark Dealer Permit requirement.**

Federal permits are required by federal dealers purchasing coastal sharks.
- n. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).**

New Hampshire has requested *de minimus* status.
- o. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).**

New Hampshire has requested *de minimus* status.
- p. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).**

New Hampshire requires head, tail, and fins remain attached to all sharks taken, landed, or possessed in New Hampshire.

**Commonwealth of Massachusetts
Division of Marine Fisheries**



ATLANTIC COASTAL SHARKS

Compliance Report to the Atlantic States Marine Fisheries Commission

Fishing Year: January 1 through December 31, 2011

November 1, 2012

I. Introduction

Summary of the year: highlight any significant changes in monitoring, regulations, or harvest.

No significant changes, with exception of *de minimis* request noted below.

II. Request for *de minimis*, where applicable

At the November 2011 meeting, the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved Massachusetts' request for *de minimis* status for Atlantic Coastal Sharks specific to the Commonwealth being exempt from the large coastal shark (LCS) possession limit requirement of the FMP.

At the May 2012 meeting, the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved Massachusetts' request for *de minimis* status for Atlantic Coastal Sharks specific to the Commonwealth being exempt from closures to the non-sandbar LCS commercial fishery.

III. Previous calendar year's fishery and management program

- a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

Not applicable.

- b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

Not applicable.

- c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Commonwealth of Massachusetts Regulations, Chapter 322

Section 6.37 Coastal Shark Conservation and Management

- o (1) Purpose. 322 CMR 6.37 seeks to ensure coordinated state and federal management towards establishing healthy self-sustaining populations of Atlantic coastal sharks. Coastal shark conservation and management is interstate and state-federal in nature; effective assessment and management can be enhanced through cooperative efforts with all Atlantic state and federal scientists and fisheries managers. 322 CMR 6.37 creates two groups of sharks: Permitted Species that are allowed to be harvested, and Prohibited Species that are protected and may not be harvested unless specifically authorized by the Director or NOAA Fisheries.
- o For purposes of 322 CMR 6.37, coastal sharks do not include spiny dogfish, *Squalus acanthias*, which are managed separately under 322 CMR 6.35.
- o (2) List of Species by Groups. The following sections contain the species categorized as prohibited or permitted. Each species is listed as its common name along with its associated taxonomic name.

- (a) Permitted Shark Species. The following species are allowed to be harvested under the provisions of 322 CMR 6.37(3):
 - Atlantic sharpnose (*Rhizoprionodon terraenovae*)
 - Blacknose (*Carcharhinus acronotus*)
 - Blacktip (*Carcharhinus limbatus*)
 - Blue (*Prionace glauca*)
 - Bonnethead (*Sphyrna tiburo*)
 - Bull (*Carcharhinus leucas*)
 - Common thresher (*Alopias vulpinus*)
 - Finetooth (*Carcharhinus isodon*)
 - Great hammerhead (*Sphyrna mokarran*)
 - Lemon (*Negaprion brevirostris*)
 - Nurse (*Ginglymostoma cirratum*)
 - Oceanic whitetip (*Carcharhinus longimanus*)
 - Porbeagle (*Lamna nasus*)
 - Scalloped hammerhead (*Sphyrna lewini*)
 - Shortfin mako (*Isurus oxyrinchus*)
 - Smooth dogfish (*Mustelus canis*)
 - Smooth hammerhead (*Sphyrna zygaena*)
 - Spinner (*Carcharhinus brevipinna*)
 - Tiger (*Galeocerdo cuvier*)
- (b) Prohibited Shark Species. the following species are prohibited from harvest under the provisions of 322CMR 6.37(3):
 - Atlantic angel (*Squatina dumeril*)
 - Basking (*Cetorhinus maximus*)
 - Bigeye sand tiger (*Odontaspis noronhai*)
 - Bigeye sixgill (*Hexanchus nakamurai*)
 - Bigeye thresher (*Alopias superciliosus*)
 - Bignose (*Carcharhinus altimus*)
 - Bluntnose sixgill (*Hexanchus griseus*)
 - Caribbean reef (*Carcharhinus perezii*)
 - Caribbean sharpnose (*Rhizoprionodon porosus*)
 - Dusky (*Carcharhinus obscurus*)
 - Galapagos (*Carcharhinus galapagensis*)
 - Longfin mako (*Isurus paucus*)
 - Narrowtooth (*Carcharhinus brachyurus*)
 - Night (*Carcharhinus signatus*)
 - Sandbar (*Carcharhinus plumbeus*)
 - Sand tiger (*Carcharias taurus*)
 - Sharpnose sevengill (*Hepranchias perlo*)
 - Silky (*Carcharhinus falciformis*)
 - Smalltail (*Carcharhinus porosus*)
 - Whale (*Rhincodon typus*)
 - White (*Carcharodon carcharias*)
- (3) Regulation of Catches.
 - (a) Permitted Species Size Limits.
 - 1. Recreational Fishing Size Limits. For recreational fishermen, the size limit for Permitted Species shall be 54" measured from the tip of the snout to the fork of the tail. Exception: there shall

be no minimum size for the following species: Smooth Dogfish, Atlantic sharpnose, Bonnethead, Finetooth, and Blacknose.

- 2. Commercial Size Limits. For commercial fishermen, there shall be no minimum size for any of the Permitted Species.
- (b) Permitted Species Possession Limits.
 - 1. Recreational Catch Limits. A recreational shore angler may harvest only one fish among all Permitted Species and one additional Bonnethead, one additional Atlantic sharpnose, and one additional smooth dogfish per trip. A recreational vessel may possess on board or land only one fish among all Permitted Species per trip regardless of the number of recreational fishermen aboard, and one additional Bonnethead, one additional Atlantic sharpnose, and one additional smooth dogfish per person.
 - 2. Commercial Catch Limits. Commercial fishermen shall not retain:
 - a. more than 100 pounds of smooth dogfish per trip or per day, whichever is the longer period of time; or
 - b. any quantity of a Permitted Shark Species after the Director has announced a commercial fishery closure.
- (c) Gear Restrictions.
 - 1. Recreational Gears. Recreational fishermen may take coastal sharks only by rod and reel or handline.
 - 2. Commercial Gears. Commercial fishermen may take coastal sharks by rod and reel, handlines, gillnets, trawl nets, pound nets, fish traps, and weirs. It shall be unlawful to fish for, possess on board, or land coastal sharks taken by a longline of any length.

(d) Catch Disposition.

- 1. It shall be unlawful for:
 - a. any fisherman to fillet sharks at sea;
 - b. any fisherman to remove fins or tails from sharks;
 - c. recreational fishermen to possess on board or land sharks whose heads, tails, and fins are not attached naturally to the carcass;
 - d. commercial fishermen to possess on board or land sharks whose fins and tails are not attached naturally to the carcass. Exception: Commercial fishermen may cut fins as long as the fins remain attached to the carcass with at least a small portion of uncut skin.
- 2. Commercial fishermen may eviscerate sharks and remove the heads.
- 3. All sharks caught incidental to fisheries directed toward other species must be released in such manner as to ensure maximum probability of survival.
- (e) Authorization to Possess Prohibited Species. The Director may authorize persons to land and possess certain Prohibited Species for research or other scientific purposes. Commercial fishermen who possess authorization from NOAA Fisheries to harvest certain species from

- c. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass.

322 CMR 6.37 (3.d.1.c)

- a. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.

322 CMR 6.37 (3.a.1)

- d. Recreational anglers may only use handlines and rod & reel.

322 CMR 6.37 (3.c.1)

- e. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.

322 CMR 6.37 (3.b.1)

- f. Commercial seasonal closure as specified in Section 4.3.2.

Not applicable in MA

- g. Quota specifications as specified in Section 4.3.4.

322 CMR 6.37 (3.b.2.b)

See May, 2012 *de minimis* approval noted above.

- h. Ability to allocate quotas seasonally as specified in Section 4.3.5.

322 CMR 6.37 (3.b.2.b)

See May, 2012 *de minimis* approval noted above.

- i. Possession limits as specified in Section 4.3.6.

322 CMR 6.37 (3.b.2)

See November, 2011 *de minimis* approval noted above.

- j. Commercial permit requirement.

322 CMR 7.01 (2) In order to harvest, possess or land fish, shellfish or bait for commercial purposes in Massachusetts, a commercial permit is required.

- k. Display and research permit requirements.

322 CMR 6.37 (3.e)

- l. Federal Commercial Shark Dealer Permit requirement.

322 CMR 6.37 (3.f)

- m. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).

322 CMR 6.37 (3.c.2)

- n. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).

322 CMR 6.37 (3.c.2)

- o. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).

322 CMR 6.37 (3.d.1.d)



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, RI 02835

TEL 401 423-1920
FAX 401 423-1925

To: Marin Hawk, ASMFC Coastal Shark FMP Coordinator

From: Eric Schneider, Principal Biologist

Date: December 27, 2012

Subject: Rhode Island Coastal Shark Annual Compliance Report for the 2011 Fishing Year

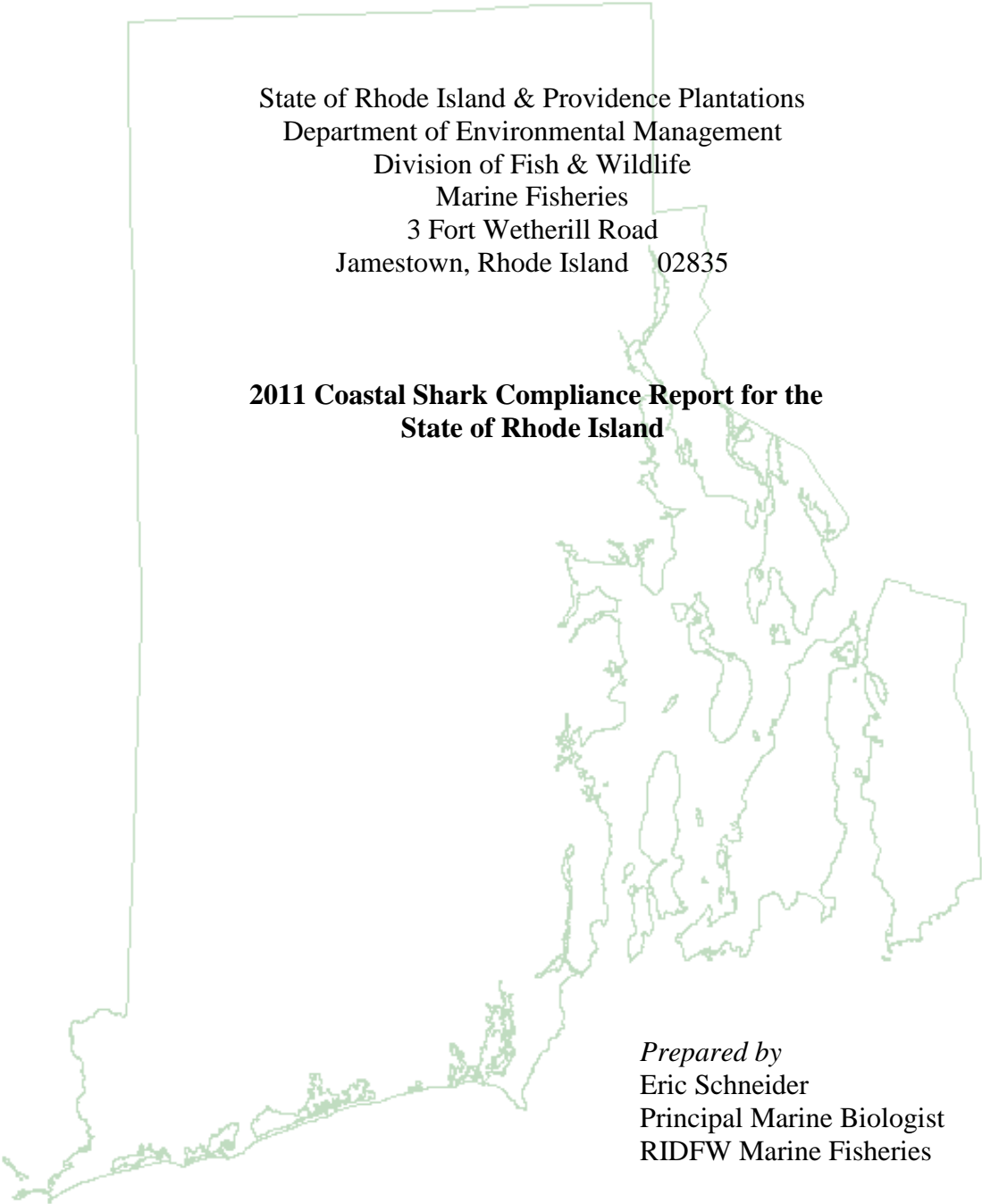
Attached please find Rhode Island's Coastal Shark annual compliance report for the 2011 fishing year.

Please contact me at 401.423-1933 or via email at Eric.Schneider@dem.ri.gov if you have questions or need additional information.

Thank you.

cc: M. Gibson
J. McNamee
A. Valliere

Attachment: RI Coastal Shark Compliance Report for 2011 FY.doc



State of Rhode Island & Providence Plantations
Department of Environmental Management
Division of Fish & Wildlife
Marine Fisheries
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

**2011 Coastal Shark Compliance Report for the
State of Rhode Island**

Prepared by
Eric Schneider
Principal Marine Biologist
RIDFW Marine Fisheries

Date Submitted: December 27, 2012



Rhode Island Coastal Shark Annual Compliance Report for the 2011 Fishing Year

I. Introduction

Summary of the year: Commercial landings data collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 11/23/2012 indicate 22,162 lbs of Coastal Sharks were landed in Rhode Island during the 2011 fishing year (Jan 1 – Dec 31, 2011), with an estimated commercial value of \$7,709.80. During 2011 there were no significant changes in monitoring, regulations, or harvest.

In accordance with the Section 4.3.4, Quota Specifications, of the Interstate Fisheries Management Plan for Atlantic Coastal Sharks and Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-3 the following opening and closures of Rhode Island commercial coastal shark fisheries were enacted (also included in Table 1):

- Beginning 12:01 AM on January 1, 2011 the Rhode Island commercial fisheries for Small Coastal Sharks (SCS), and Pelagic Sharks Rhode Island opened for the 2011 fishing year.
- Beginning 12:01 AM on July 15, 2011 the Rhode Island commercial fishery for Non-sandbar Large Coastal Sharks (LCS) opened.
- Beginning 12:01 AM on August 31, 2011 the Rhode Island commercial fishery for Porbeagle Shark was closed.
- Beginning 12:01 AM on November 15, 2011 the Rhode Island commercial fishery for Non-sandbar Large Coastal Sharks (LCS) was closed.
- Beginning 12:01 AM on January 1, 2012 the Rhode Island commercial fisheries for Small Coastal Sharks (SCS) and the Pelagic Sharks species group was closed.

Table 1. The following table summarizes openings and closures of Rhode Island commercial coastal shark fisheries managed under the Interstate Fisheries Management Plan for Atlantic Coastal Sharks and Rhode Island Marine Fisheries Part VII.

Species Group	Date Opened	Date Closed
Smooth Dogfish	Jan 01, 2011 *	NA
Small Coastal Sharks (SCS)	Jan 01, 2011	Jan 01, 2012
Non-sandbar Large Coastal Sharks (LCS)	Jul 15, 2011	Nov 15, 2011
Pelagic Sharks	Jan 01, 2011	Jan 01, 2012
- porbeagle shark fishery	Jan 01, 2011	Aug 31, 2011

* per rule, the fishing season is from Jan 1 to Dec 31 of each year. There is no quota and the fishery generally does not close. However, in the event that an annual smooth dogfish quota is set and harvested, or projected to be harvested, the commercial fishery will close.

II. Request for *de minimis*, where applicable.

The state of Rhode Island does not wish to apply for *de minimus* status.

III. Previous calendar year's fishery and management program:

A. Activity and results of fishery dependent monitoring.

Fishery dependent is limited to port sampling and at-sea observers. None of these efforts are directed at any coastal shark species.

B. Activity and results of fishery independent monitoring.

Fishery independent monitoring is limited to coastal shark species taken in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey. During the 2011 calendar year the only coastal shark species captured in the trawl survey was smooth dogfish (*Mustelus canis*). A summary of fishery independent monitoring for coastal sharks is summarized in Table B-1 below. More information, including a copy of the trawl survey annual report is available upon request.

Table B-1. Summary of fishery independent monitoring for coastal sharks captured in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey during 2011. Note that the only species capture was smooth dogfish (*Mustelus canis*).

Year	Month	Tows conducted	Total weight (kg)	Total Number	Number per tow	kg per tow
Monthly Coastal trawl Survey						
2011	JAN	13	0	0	0	0
2011	FEB	13	0	0	0	0
2011	MAR	13	0	0	0	0
2011	APR	13	0	0	0	0
2011	MAY	13	3.39	1	0.08	0.26
2011	JUN	12	13.73	5	0.42	1.14
2011	JUL	13	1.50	8	0.62	0.12
2011	AUG	13	3.36	5	0.38	0.26
2011	SEP	13	1.39	2	0.15	0.11
2011	OCT	13	14.98	16	1.23	1.15
2011	NOV	13	0.63	1	0.08	0.05
2011	DEC	13	0	0	0	0
Seasonal Coastal Trawl Survey						
2011	Spring	43	0	0	0	0
2011	Fall	43	33.15	12	0.77	0.28

C. Copy of regulations that were in effect during this period are as follows:

Regulations from January 1, 2011 through December 31, 2012:

**Rhode Island Marine Fisheries Statutes and Regulations
Part VII – Minimum Sizes of Fish/Shellfish**

7.24 Coastal Sharks

7.24.1 – Commercial

7.24.1-1 Commercial Species Groupings - Species managed under the

Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan (IFMP) for Atlantic Coastal Sharks shall be grouped into six commercial “species groups” for management purposes, hereafter referred to as: Prohibited Species, Research Species, Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks, and Pelagic Sharks. These groupings apply to all commercial shark fisheries in state waters.

7.24.1-2 Commercial Fishing Year - The commercial shark fishery shall operate on a January 1 through December 31 fishing year.

7.24.1-3 Commercial Possession Limits – Possession limits, quotas, and seasonal periods for commercial shark fisheries will be established annually either through the National Marine Fisheries Service (NMFS) or the Atlantic States Marine Fisheries Commission (ASMFC). In accordance therewith:

- a. Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 7.1 below in the Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks and Pelagic Sharks species groups.
- b. There are no commercial trip limits or possession limits for Smooth Dogfish, or for the sharks listed in the Small Coastal Sharks and the Pelagic Species groups.
- c. No person shall possess more than 33 sharks, per vessel per calendar day, regardless of species, from the Non-Sandbar Large Coastal Sharks species group.

Table 7.1 Sharks in the Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks, and Pelagic Species Groups.

Common Name	Scientific Name
Smooth dogfish	
Smooth Dogfish	<i>Mustelus canis</i>
Small Coastal Sharks (SCS)	
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Blacknose	<i>Carcharhinus acronotus</i>
Bonnethead	<i>Sphyrna tiburo</i>
Non-Sandbar Large Coastal Sharks (LCS)	
Silky	<i>Carcharhinus falciformis</i>
Tiger	<i>Galeocerdo cuvier</i>
Blacktip	<i>Carcharhinus limbatus</i>
Spinner	<i>Carcharhinus brevipinna</i>
Bull	<i>Carcharhinus leucas</i>

Lemon	<i>Negaprion brevirostris</i>
Nurse	<i>Ginglymostoma cirratum</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>
Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>
Pelagic Sharks	
Shortfin mako	<i>Isurus oxyrinchus</i>
Porbeagle	<i>Lamna nasus</i>
Common thresher	<i>Alopias vulpinus</i>
Oceanic whitetip	<i>Carcharhinus longimanus</i>
Blue	<i>Prionace glauca</i>

7.24.1-4 Transfer of Sharks - No person shall transfer sharks between vessels at sea.

7.24.1-5 Prohibition on the Possession of Sharks in the Prohibited and Research Species Groups – No person shall possess any species of sharks listed in Table 7.2 below in the Prohibited Species and Research Species groups, except in accordance with the provisions of section 7.24.1-8.

Table 7.2 Sharks in the Prohibited and Research Species Groups

Prohibited Species Group	
Common Name	Scientific Name
Sand tiger	<i>Carcharias taurus</i>
Bigeye sandtiger	<i>Odontaspis noronhai</i>
Whale	<i>Rhincodon typus</i>
Basking	<i>Cetorhinus maximus</i>
White	<i>Carcharodon carcharias</i>
Dusky	<i>Carcharhinus obscurus</i>
Bignose	<i>Carcharhinus altimus</i>
Galapagos	<i>Carcharhinus galapagensis</i>
Night	<i>Carcharhinus signatus</i>
Reef	<i>Carcharhinus perezii</i>
Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>
Bigeye thresher	<i>Alopias superciliosus</i>
Sharpnose sevengill	<i>Heptranchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>

Research Species Group	
Sandbar	<i>Carcharhinus plumbeus</i>

7.24.1-6 Quota Specification – It shall be unlawful for any person to possess any species of shark in state waters when the National Marine Fisheries Service (NMFS) prohibits the possession of that species in federal waters.

When notified that the quota set for any species of shark is harvested or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of that species in state waters for the remainder of the designated period.

7.24.1-7 Commercial License – A person must hold a state commercial license in accordance with RIGL Chapter 20-2.1 in order to commercially land, harvest, possess, and sell sharks in state waters.

7.24.1-8 Display and Research of Sharks – No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species Groups without the possession of a valid state collector’s permit obtained from the Division of Fish and Wildlife.

Any person granted a collector’s permit shall:

- a. Report to the Director, within 30 days after coming into possession of a shark. For each and every shark collected for research or display, the report to the Director shall include the following information: species identification, length, weight, date and location where caught by latitude and longitude coordinates, and the gear used; and
- b. For each shark taken for live display, the holder of the permit shall also report to the Director annually, by December 31 of each year, for the life of the shark. The annual report shall include all of the information set forth in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.

7.24.1-9 Dealer Permit

- a. No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the National Marine Fisheries Service.
- b. No person shall purchase any shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the National

Marine Fisheries Service. [*Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the National Marine Fisheries Service Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at <http://sero.nmfs.noaa.gov/permits/permits.htm>].*

7.24.1-10 Authorized Commercial Gear – No person shall fish commercially for sharks in state waters by any method other than the following gear types:

- Rod & reel
- Handlines, which are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel.
- Small Mesh Gillnets which are defined as having a stretch mesh size smaller than 5 inches
- Large Mesh Gillnets which are defined as having a stretch mesh size equal to or greater than 5 inches.
- Trawl nets.
- Shortlines which are defined as fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length. A maximum of 2 shortlines shall be allowed per vessel.
- Pound nets/fish traps.
- Weirs.

7.24.1-11 Bycatch Reduction Measures – Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following bycatch regulation measures. Any vessels using shortlines or large-mesh gillnets that do not follow the following bycatch reduction measures are prohibited from possession, landing or selling any sharks.

- a. Any vessel using a shortline shall:
 - (1) use corrodible circle hooks, which are defined as non- offset hooks with the point turned perpendicularly back to the shanks; and
 - (2) practice the protocols, and possess the federally required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and
 - (3) have all captains and vessel owners federally certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a Protected Species Safe Handling, Release, and Identification Workshop offered by NOAA. [Information on these workshops can be found at <http://www.nmfs.noaa.gov/sfa/hms/workshops/index.htm> or by calling the Management Division at (727) 824-5399.]

- b. Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.

7.24.1-12 Prohibition of Finning – Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all state waters. All sharks, with the exception of smooth dogfish, possessed by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass until landed. 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 gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

From July through February for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but must keep the dorsal fin 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. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

7.24.2 - Recreational

7.24.2-1 Recreationally Permitted Species – Recreational fishermen may possess any of the species of sharks listed in Table 7.3.

Table 7.3 Recreationally Permitted Species List.

Recreationally PERMITTED Species	
Smooth Dogfish *	<i>Mustelus canis</i>
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Blacknose	<i>Carcharhinus acronotus</i>
Bonnethead	<i>Sphyrna tiburo</i>
Tiger	<i>Galeocerdo cuvier</i>
Blacktip	<i>Carcharhinus limbatus</i>
Spinner	<i>Carcharhinus brevipinna</i>
Bull	<i>Carcharhinus leucas</i>
Lemon	<i>Negaprion brevirostris</i>
Nurse	<i>Ginglymostoma cirratum</i>
Scalloped hammerhead	<i>Sphyrna lewini</i>

Great hammerhead	<i>Sphyrna mokarran</i>
Smooth hammerhead	<i>Sphyrna zygaena</i>
Shortfin mako	<i>Isurus oxyrinchus</i>
Porbeagle	<i>Lamna nasus</i>
Common thresher	<i>Alopias vulpinus</i>
Oceanic whitetip	<i>Carcharhinus longimanus</i>
Blue	<i>Prionace glauca</i>

* Smooth dogfish are not regulated in federal waters and are not prohibited as a result.

7.24.2-2 Recreationally Prohibited Species -- No person fishing recreationally shall possess, in state waters any shark species that is not permitted to be taken in federal waters, as listed in Table 7.4.

Table 7.4 Recreationally Prohibited Species List.

Recreationally PROHIBITED Species	
Sandbar	<i>Carcharhinus plumbeus</i>
Silky	<i>Carcharhinus falciformis</i>
Sand tiger	<i>Carcharias taurus</i>
Bigeye sand tiger	<i>Odontaspis noronhai</i>
Whale	<i>Rhincodon typus</i>
Basking	<i>Cetorhinus maximus</i>
White	<i>Carcharodon carcharias</i>
Dusky	<i>Carcharhinus obscurus</i>
Bignose	<i>Carcharhinus altimus</i>
Galapagos	<i>Carcharhinus galapagensis</i>
Night	<i>Carcharhinus signatus</i>
Reef	<i>Carcharhinus perezii</i>
Narrowtooth	<i>Carcharhinus brachyurus</i>
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic angel	<i>Squatina dumeril</i>
Longfin mako	<i>Isurus paucus</i>
Bigeye thresher	<i>Alopias superciliosus</i>
Sharpnose sevengill	<i>Heptranchias perlo</i>
Bluntnose sixgill	<i>Hexanchus griseus</i>
Bigeye sixgill	<i>Hexanchus nakamurai</i>

7.24.2-3 Recreational Landings Requirements – No person fishing recreationally shall possess or land sharks that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No a person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea.

7.24.2-4 Recreational Minimum Size Limits – No person fishing recreationally shall possess a shark with a fork length less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish, which have no minimum size limit. (See Table 7.4).

Table 7.5 Recreational Minimum Size Limits

No Minimum Size Limit	At Least 54 inches (4.5 Feet) Fork Length	
Smooth Dogfish	Tiger	Shortfin mako
Atlantic sharpnose	Blacktip	Porbeagle
Finetooth	Spinner	Common thresher
Blacknose	Bull	Oceanic whitetip
Bonnethead	Lemon	Blue
	Nurse	Scalloped hammerhead
	Great hammerhead	Smooth hammerhead

7.24.2-5 Authorized Recreational Gear – No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.

7.24.2-6 Recreational Shore-Fishing Possession Limits – No recreational fishermen fishing from shore shall possess, in any one calendar day, more than one shark from the recreationally permitted species list (*Section 7.24.2-1, Table 7.3*), except that each such fishermen may individually possess one additional bonnethead (*Sphyrna tiburo*), and one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*) per calendar day. However, recreational shore-fishermen may harvest an unlimited amount of smooth dogfish.

Sharks that are transported by a vessel are considered ‘boat assisted’ and are regulated under the more restrictive vessel-fishing possession limits in section 7.24.2-7 regardless of how or where they were caught.

7.24.2-7 Recreational Vessel-Fishing Possession Limits -

No vessel engaged in recreational fishing vessels shall possess, in any one calendar day, or any one trip, whichever is less, more than one shark from the recreationally permitted species list (*Section 7.24.2-1, Table 7.3*), regardless of the number of people on board the vessel, except that each recreational fisherman fishing from a vessel may individually possess one additional bonnethead (*Sphyrna tiburo*), and one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*), per calendar day, or per trip, whichever is less. However, recreational vessel-fishermen may harvest an unlimited amount of smooth dogfish.

RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 20-3-3)]

D. Harvest broken down by commercial (gear type where applicable) and recreational fishing, and non-harvest losses (when available).

Table D-1. Commercial landings data (lbs and value in U.S. dollars) for each species of coastal shark landed in Rhode Island during the 2011 fishing year (Jan 1 – Dec 31, 2011) collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 11/23/2012.

Species	Total landings (lbs)	Value of lbs landed (\$)
DOGFISH, SMOOTH	20,498	\$6,169.45
SHARK, LONGFIN MAKO	85	\$89.00
SHARK, OCEANIC WHITETIP	177	\$106.20
SHARK, SANDBAR	633	\$759.65
SHARK, SHORTFIN MAKO	186	\$398.50
SHARK, THRESHER	583	\$187.00
Total	22,162	\$7,709.80

Table D-2. Commercial landings data (lbs) by gear type for each species of coastal shark landed in Rhode Island during the 2011 fishing year (Jan 1 – Dec 31, 2011) collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 9/21/2012 for each. Note that “Gear Type” is not a federally-required data element; since the advent of “Dealer Electronic Reporting” gear is not audited at the trip level. Use with discretion.

Gear Type	DOGFISH, SMOOTH	SHARK, LONGFIN MAKO	SHARK, OCEANIC WHITETIP	SHARK, SANDBAR	SHARK, SHORTFIN MAKO	SHARK, THRESHER	Total (lbs)
Floating Traps (Shallow)	80						80
Gill Nets	8,408	85	177	633		188	9,491
Hook And Line	4						4
Not Coded	11,840				186	395	12,421
Otter Trawls	16						16
Pots And Traps	60						60
Pots And Traps, Lobster	90						90
Total (lbs)	20,498	85	177	633	186	583	22,162

- Recreational – unknown.
- Non-harvest losses – unknown.

E. Review of progress in implementing habitat recommendations.

Currently, Rhode Island has no initiatives in this area.

IV. Planned management programs for the current calendar year

A. Summarize regulations that will be in effect.

- Management of Coastal Sharks in RI state waters will be consistent with ASMFC management actions. No regulatory changes are anticipated for the 2012 calendar year.

B. Summarize monitoring programs that will be performed.

- The RI Division of Fish & Wildlife, Marine Fisheries Section will continue:
 - to collect trip-level reporting of landings of Coastal Shark and quota-managed species using SAFIS and
 - fishery independent monitoring, limited to coastal shark species taken in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey.

C. Highlight any changes from the previous year.

- **2011 Changes**
 - No regulatory or management changes occurred during the 2011 fishing year.
- **Proposed changes for 2013**
 - In light of what appears to be commercial landings of sandbar sharks (*Carcharhinus plumbeus*), which are contained within the Research Species Group, the Division plans to work with the Division of Law Enforcement, commercial dealers, and commercial fisherman in the coming 2013 fishing year to ensure that all are familiar with current regulations regarding all Prohibited and Research Species.
 - In years past we've received little feedback regarding whether or not Prohibited or Research Shark species were collected. In an attempt to improve reporting, the Division revised our "Scientific Collector's Application" to clearly convey that, "*If collecting Prohibited or Research shark species, you MUST submit a report for each individual shark to DFW within 30 days stating species ID, length, weight, date and location (lat/long) of collection, and gear used. Annual reports are due by Dec. 31 of each year for the lifespan of the individuals taken for display indicating updated length and weight measurements (See Rule 7.24.1-8; <http://www.dem.ri.gov/pubs/regs/regs/fishwild/rimf7.pdf>).*"

V. Plan specific requirements

A. Recreational seasonal closure as specified in Section 4.2.1..

- Not Applicable to Rhode Island

B. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.2-2, states: "Recreationally Prohibited Species -- No person fishing recreationally shall possess, in state waters any shark species that is not permitted to be taken in federal waters, as listed in Table 7.4."

C. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.2-3, states: "Recreational Landings Requirements – No person fishing recreationally shall possess or land sharks

that do not have heads, tails, and fins attached naturally to the carcass. Sharks may be gutted and bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No a person fishing recreationally shall fillet a shark at sea or otherwise cut a shark into pieces at sea..”

(A). Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.2-4, states: “Recreational Minimum Size Limits – No person fishing recreationally shall possess a shark with a fork length less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish, which have no minimum size limit. (See Table 7.4)..”

D. Recreational anglers may only use handlines and rod & reel.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.2-5 states: “Authorized Recreational Gear – No person fishing recreationally shall take sharks by any method other than rod and reel or handline. Handlines are defined as a mainline to which no more than two gangions or hooks are attached; retrieved by hand, not by mechanical means; and attached to, or in contact with, a vessel.”

E. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.2-6 states: “Recreational Shore-Fishing Possession Limits – No recreational fishermen fishing from shore shall possess, in any one calendar day, more than one shark from the recreationally permitted species list (*Section 7.24.2-1, Table 7.3*), except that each such fishermen may individually possess one additional bonnethead (*Sphyrna tiburo*), and one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*) per calendar day. However, recreational shore-fishermen may harvest an unlimited amount of smooth dogfish.”

F. Commercial seasonal closure as specified in Section 4.3.2.

- Not Applicable to Rhode Island

G. Quota specifications as specified in Section 4.3.4.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-6 states: “Quota Specification – It shall be unlawful for any person to possess any species of shark in state waters when the National Marine Fisheries Service (NMFS) prohibits the possession of that species in federal waters.
When notified that the quota set for any species of shark is harvested or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of that species in state waters for the remainder of the designated period.”

H. Ability to allocate quotas seasonally as specified in Section 4.3.5.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-3 states: “Commercial Possession Limits – Possession limits, quotas, and seasonal periods for commercial shark fisheries will be established annually either through the National Marine Fisheries Service (NMFS) or the Atlantic States Marine Fisheries Commission (ASMFC). In accordance therewith:
 - a. Properly licensed commercial fishermen may possess any of the species of sharks listed in Table 7.1 below in the Smooth Dogfish, Small Coastal Sharks, Non-Sandbar Large Coastal Sharks and Pelagic Sharks species groups.
 - b. There are no commercial trip limits or possession limits for Smooth Dogfish, or for the sharks listed in the Small Coastal Sharks and the Pelagic Species groups.
 - c. No person shall possess more than 33 sharks, per vessel per calendar day, regardless of species, from the Non-Sandbar Large Coastal Sharks species group.”

I. Possession limits as specified in Section 4.3.6.

- As noted in previous bullet (H) above in Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-3.

J. Commercial permit requirement.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-7 states: “Commercial License – A person must hold a state commercial license in accordance with RIGL Chapter 20-2.1 in order to commercially land, harvest, possess, and sell sharks in state waters.”

K. Display and research permit requirements.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-8 states: “Display and Research of Sharks – No person shall possess, transport, sell or offer to sell any of the shark species listed in the Prohibited and Research Species Groups without the possession of a valid state collector’s permit obtained from the Division of Fish and Wildlife.

Any person granted a collector’s permit shall:

- a. Report to the Director, within 30 days after coming into possession of a shark. For each and every shark collected for research or display, the report to the Director shall include the following information: species identification, length, weight, date and location where caught by latitude and longitude coordinates, and the gear used; and
- b. For each shark taken for live display, the holder of the permit shall also report to the Director annually, by December 31 of each year, for the life of the shark. The annual report shall include all of the information set forth in the original report to the Director pertaining to the sharks, as well as updated information on the length and weight of the shark.”

L. Federal Commercial Shark Dealer Permit requirement.

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-9 states: “Dealer Permit -

- a. No person shall sell any shark species to a person or dealer who does not possess a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the National Marine Fisheries Service.
- b. No person shall purchase any shark species for sale or resale unless such person, possesses a state commercial dealer license issued pursuant to RIGL 20-2.1, and a federal Commercial Shark Dealer Permit issued by the National Marine Fisheries Service. [*Federal Commercial Shark Dealer Permits are open access and can be obtained by contacting the National Marine Fisheries Service Southeast Regional Office in St. Petersburg, FL at (727) 824-5326. Applications are available on the web at <http://sero.nmfs.noaa.gov/permits/permits.htm>].*

M. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-10 states: “Authorized Commercial Gear – No person shall fish commercially for sharks in state waters by any method other than the following gear types:
 - Rod & reel
 - Handlines, which are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel.
 - Small Mesh Gillnets which are defined as having a stretch mesh size smaller than 5 inches
 - Large Mesh Gillnets which are defined as having a stretch mesh size equal to or greater than 5 inches.
 - Trawl nets.
 - Shortlines which are defined as fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length. A maximum of 2 shortlines shall be allowed per vessel.
 - Pound nets/fish traps.
 - Weirs.”

N. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).

- Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-11 states: “Bycatch Reduction Measures – Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following bycatch regulation measures. Any vessels using shortlines or large-mesh gillnets that do not follow the following bycatch reduction measures are prohibited from possession, landing or selling any sharks.
 - a. Any vessel using a shortline shall:
 - (1) use corrodible circle hooks, which are defined as non- offset hooks with the point turned perpendicularly back to the shanks; and
 - (2) practice the protocols, and possess the federally required release equipment, for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species; and

- (3) have all captains and vessel owners federally certified in using, handling and release equipment. Captains and vessel owners can become certified by attending a Protected Species Safe Handling, Release, and Identification Workshop offered by NOAA. [Information on these workshops can be found at <http://www.nmfs.noaa.gov/sfa/hms/workshops/index.htm> or by calling the Management Division at (727) 824-5399.]
- b. Any vessel using large-mesh gillnets, must use nets that are shorter than 2.5 kilometers.

O. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).

- o Rhode Island Marine Fisheries Regulation Part VII, 7.24.1-12 states: “Prohibition of Finning – Finning is defined as the act of taking a shark and removing its fins. Finning of sharks is prohibited in all state waters. All sharks, with the exception of smooth dogfish, possessed by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass until landed. 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 gutted and bled provided the tail is not removed. Sharks taken and possessed by commercial fishermen may have the heads removed, but no commercial fisherman shall fillet a shark at sea or otherwise cut a shark into pieces at sea. Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel. From July through February for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but must keep the dorsal fin 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. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.”

State of Connecticut
Compliance Report for Coastal Sharks
February 7, 2013

I. Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) requires states to submit an annual report by August 1 of each year to show compliance with the Fishery Management Plan for coastal sharks. This document fulfills that compliance requirement. This report includes commercial and recreational fishery statistics, monitoring activities and management measures for 2011.

a. Summary of the year highlighting any significant changes in monitoring, regulations or harvest.

In response to the ASMFC plan, the commercial harvest of coastal sharks has been prohibited in Connecticut since January 1, 2010 (see Appendix II).

Commercial and recreational fishing regulations pertaining to coastal sharks are specified in section 26-159a-1(e) of the Regulations of Connecticut State Agencies (Appendix I).

II. Request for *de minimus*, where applicable.

N/A

III. Previous calendar year's fishery and management program.

a. Activity and results of fishery dependent monitoring.

All commercial fishermen submitted either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports (VTR) on a monthly basis. Connecticut Department of Energy and Environmental Protection (CT DEEP) Marine Fisheries Division (MFD) staff entered fishermen reports into the Connecticut Marine Fisheries Information System (MFIS) and starting in 2009, into the Standard Atlantic Fisheries Information System (SAFIS) and VTR data is downloaded as needed. Seafood dealers with a federal permit submitted their reports electronically to the National Marine Fisheries Service (NMFS) via SAFIS. Dealers with only state permits submitted reports to the CT DEEP and MFD staff entered the reports into SAFIS. Harvest was monitored by combining fishermen and dealer reports.

Recreational catch and harvest is monitored through the Marine Recreational Fisheries Statistics Survey (MRFSS). CT DEEP staff conducts the fisherman interview (intercept) portion of MRFSS, while the NMFS contractor conducts the telephone survey.

b. Activity and results of fishery independent monitoring.

In 2011 the recreational catch and harvest (Type A + B1) of coastal sharks and smooth dogfish

was 0 fish. Despite the fact that Connecticut prohibited the commercial harvest of coastal sharks, the commercial harvest coastal sharks were 56 pounds and the commercial harvest of smooth dogfish was 534 pounds.

c. Copy of regulations that were in effect.

See Appendix I & II

d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses.

Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration See Appendix II. However, a small commercial harvest by otter trawl and gillnet was reported.

There are no estimates available for non-harvest losses in either the commercial or recreational fisheries.

e. Review of progress in implementing habitat recommendations.

Not applicable.

IV. Planned management programs for the current calendar year.

a. Summarize regulations that will be in effect (provide copy if different from IIIc).

Appendix III contains proposed regulations that the Department of Energy and Environmental protection will implement in 2013 to:

- 1) permanently implement plan requirements that were previously adopted by interim rule making;
- 2) to implement plan requirements for the recreational fishery that were not previously adopted;
- 3) implement the no fining requirement in the commercial and recreational fisheries.

b. Summarize monitoring programs that will be performed.

Commercial fishery spiny dogfish landings will continue to be monitored through the Connecticut MFIS and SAFIS. All fishermen submit either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports on a monthly basis. Seafood dealers submit monthly reports of purchases from fishermen on a variety of forms. Federally permitted dealers operating in Connecticut must report electronically to NMFS. Electronically reported data is available to the CT DEEP.

c. Highlight any changes from the previous year.

There were no changes in monitoring from the previous year.

V. Plan specific requirements

a. Recreational seasonal closure as specified in Section 4.2.1.

Not applicable. Connecticut is not located in the region Virginia through New Jersey.

b. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.

Sub-section 26-159a-19(e) of the regulations of Connecticut State Agencies prohibits the possession in Connecticut of any species of shark listed in 50 CFR 635, Subpart F Appendix A, Table 1 D. See Appendix I.

c. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass.

Connecticut has not yet implemented this portion of the plan requirements.

d. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.

Connecticut has not yet implemented this portion of the plan requirements.

e. Recreational anglers may only use handlines and rod & reel Section 4.2.5.

Connecticut has not yet implemented this portion of the plan requirements.

f. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.

Connecticut has not yet implemented this portion of the plan requirements.

g. Commercial seasonal closure as specified in Section 4.3.2.

Connecticut has prohibited the commercial harvest of coastal sharks by declaration. See Appendix II.

h. Quota specifications as specified in Section 4.3.4.

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large coastal sharks by declaration. See Appendix II.

i. Ability to allocate quotas seasonally as specified in Section 4.3.5.

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large coastal sharks by declaration. See Appendix II.

j. Possession limits as specified in Section 4.3.6.

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

k. Commercial permit requirement.

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

l. Display and research permit requirements.

Connecticut has prohibited the commercial and recreational harvest of sandbar sharks except for holders of a Scientific Collector's Permit issued by the Department of Energy and Environmental Protection for research or display purposes if specifically authorized to do so under the terms of the permit. See Appendix II.

m. Federal Commercial Shark Dealer Permit requirement.

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

n. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

o. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

p. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).

Not applicable. Connecticut has prohibited the commercial harvest of small coastal and non-sandbar large costal sharks by declaration. See Appendix II.

Appendix I. Connecticut fishing regulations for coastal sharks

26-159a-1. Sport and commercial restrictions for marine and anadromous species

- (e) No person shall take from Connecticut waters, and no person shall possess, sell, exchange, or offer for sale or exchange in Connecticut regardless of where it was taken, any species of shark listed in this subsection or listed in 50 CFR 635, Subpart F Appendix A, Table 1 D – Prohibited Sharks. Any shark identified in this subsection that is caught shall be immediately returned, without avoidable injury, to the waters from which it was taken.
- (1) Atlantic angel (*Squatina dumerili*);
 - (2) Basking (*Cetorhinus maximus*);
 - (3) Bigeye sand tiger (*Odontaspis noronhai*);
 - (4) Bigeye sixgill (*Hexanchus vitulus*);
 - (5) Bigeye thresher (*Alopias superciliosus*);
 - (6) Bignose (*Carcharhinus altimus*);
 - (7) Caribbean reef (*Carcharhinus perezi*);
 - (8) Caribbean sharpnose (*Rhizoprionodon porosus*);
 - (9) Dusky (*Carcharhinus obscurus*);
 - (10) Galapagos (*Carcharhinus galapagensis*);
 - (11) Longfin mako (*Isurus paucus*);
 - (12) Narrowtooth (*Carcharhinus brachyurus*);
 - (13) Night (*Carcharhinus signatus*);
 - (14) Sand tiger (*Odontaspis taurus*);
 - (15) Sevengill (*Heptranchias perlo*);
 - (16) Sixgill (*Hexanchus griseus*);
 - (17) Smalltail (*Carcharhinus porosus*);
 - (18) Whale (*Rhincodon typus*); and
 - (19) White (*Carcharodon carcharias*).

Appendix II. Connecticut fishing regulations for coastal sharks for 2011, implemented by interim rule making.

See Attached Declarations 10-03, 10-05, 10-07.

Appendix III. Connecticut proposed fishing regulations for coastal sharks to be implemented in 2013.

Sec. 18. The Regulations of Connecticut State Agencies are amended by adding section 26-159a-29 as follows:

(New) Sec. 26-159a-29. Coastal sharks

(a) Definitions. As used in this section:

- (1) “ASMFC” or “Atlantic States Marine Fisheries Commission” has the same meaning as provided in section 26-142a-16 of the Regulations of Connecticut State Agencies;
- (2) “Coastal Shark FMP” means the Interstate Fishery Management Plan for Atlantic Coastal Sharks and its amendments and addendums approved and published by the ASMFC to manage the interstate Atlantic coastal shark fisheries;
- (3) “Commercial fishing year” means January 1 to December 31, inclusive, of each year;
- (4) “Commercial fisherman” means a person who has sold a shark that such person caught in Connecticut waters or landed in Connecticut during a given commercial fishing year, or a person with sharks aboard such person’s vessel that are intended for sale. When either of these criteria is met, said person is, with regard to the provisions of this section, a commercial fisherman for the remainder of the commercial fishing year;
- (5) “Department” means the Department of Energy and Environmental Protection;
- (6) “Fork length” means the straight-line distance from the tip of the head (snout) to the rear edge of the fork in the tail (caudal fin). The measurement is not made along the curve of the body;
- (7) “Handline” means a mainline to which no more than two gangions or hooks are attached, which is retrieved by hand and not by mechanical means and which is attached to or in contact with the fisherman or the vessel;
- (8) “Non-sandbar large coastal species group” means any of the following shark species:
 - (A) Tiger (*Galeocerdo cuvieri*);
 - (B) blacktip (*Carcharhinus limbatus*);
 - (C) bull (*Carcharhinus leucas*);
 - (D) great hammerhead (*Sphyrna mokarran*);
 - (E) lemon (*Negaprion brevirostris*);
 - (F) nurse (*Ginglymostoma cirratum*);
 - (G) scalloped hammerhead (*Sphyrna lewini*);
 - (H) smooth hammerhead (*Sphyrna zygaena*);
 - (I) spinner (*Carcharhinus brevipinna*); and
 - (J) silky shark (*Carcharhinus falciformis*);
- (9) “Pelagic species group” means any of the following shark species:
 - (A) Blue (*Prionace glauca*);
 - (B) oceanic whitetip (*Carcharhinus longimanus*);
 - (C) porbeagle (*Lamna nasus*);
 - (D) shortfin mako (*Isurus oxyrinchus*); and
 - (E) common thresher (*Alopias vulpinus*);
- (10) “Authorized shark species” means:
 - (A) For commercial fishermen:
 - (i) All sharks in the non-sandbar large coastal species group;

- (ii) sharks in the pelagic species group;
- (iii) sharks in the small coastal species group;
- (iv) smooth dogfish (*Mustelus canis*); and
- (v) spiny dogfish (*Squalus acanthius*); or
- (B) for recreational fishermen:
 - (i) All sharks in the non-sandbar large coastal species group except silky shark (*Carcharhinus falciformis*);
 - (ii) sharks in the pelagic species group;
 - (iii) sharks in the small coastal species group;
 - (iv) smooth dogfish (*Mustelus canis*); and
 - (v) spiny dogfish (*Squalus acanthius*);
- (11) “Recreational fisherman” means a fisherman who is not a commercial fisherman;
- (12) “Shore fishing” means any fishing that does not take place on a vessel;
- (13) “Small coastal species group” means any of the following shark species:
 - (A) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
 - (B) blacknose (*Carcharhinus acronotus*);
 - (C) bonnethead (*Sphyrna tiburo*); and
 - (D) finetooth (*Carcharhinus isodon*);
- (14) “Vessel” means every description of watercraft used or capable of being used as a means of transportation on water except for non-displacement craft and seaplanes; and
- (15) “Vessel fishing” means any fishing conducted from a vessel;

(b) **General**

- (1) Except as provided in subdivision (3) of this subsection, no person shall take from Connecticut waters and no person shall possess, land, sell, exchange, or offer for sale or exchange in Connecticut regardless of where it was taken, any shark other than an authorized shark species.
- (2) Any shark caught that is not an authorized shark species or that cannot be retained because of seasonal closures, quota closures, possession limits, size limits or gear restrictions shall be immediately returned without avoidable injury to the waters from which it was taken.
- (3) The commissioner may authorize an exemption to seasonal closures, quota closures, possession limits, size limits, gear restrictions or prohibited species restrictions specified in this section for sharks used for the purposes of research or live display. Such an exemption, if authorized, shall be for one calendar year. All persons granted such an exemption shall:
 - (A) Report to the commissioner the species, length, weight, location caught and gear used for each shark collected; and
 - (B) for sharks taken for live display, report to the commissioner annually, the species, length and weight of each shark for the life of the shark.

(c) **Recreational fishing**

- (1) No recreational fisherman shall possess or land sharks that do not have the head, tail and fins naturally attached to the carcass. Such sharks may be gutted and may be bled by making an incision at the base of the caudal peduncle provided the tail is not removed. No recreational fisherman shall fillet a shark at sea or cut a shark into pieces at sea.

- (2) No recreational fisherman shall possess or land authorized shark species in the non-sandbar large coastal species group or in the pelagic species group that are less than 54 inches (4.5 feet) fork length.
- (3) No recreational fisherman shall take sharks by any method other than rod and reel or handline.
- (4) No recreational fisherman engaged in shore fishing shall possess or land more than one of the authorized shark species, except that such fisherman may possess or land one additional bonnethead (*Sphyrna tiburo*), one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*) and an unlimited number of smooth dogfish (*Mustelus canis*) and spiny dogfish (*Squalus acanthius*).
- (5) No recreational fishermen engaged in vessel fishing shall collectively per vessel possess or land more than one of the authorized shark species per trip, regardless of the number of people on board the vessel, except that each fisherman aboard said vessel may individually possess or land one additional bonnethead (*Sphyrna tiburo*), one additional Atlantic sharpnose (*Rhizoprionodon terraenovae*), and an unlimited number of smooth dogfish (*Mustelus canis*) and spiny dogfish (*Squalus acanthius*).
- (6) No recreational fisherman shall take a shark species or species from a species group from Connecticut waters or land a shark species or species from a species group in Connecticut during any period that the National Marine Fisheries Service, pursuant to 50 CFR 635, Subpart C, as amended from time to time, has closed the recreational fishery for such shark species or species group in federal waters or during any period that the Spiny Dogfish and Coastal Sharks Board of the ASMFC, pursuant to provisions of the Coastal Shark FMP, has closed the recreational fishery for such shark species or species group in state waters. When either such closure has been declared, the department shall provide notice of such closure to tackle shops and members of the affected public requesting such notice.

(d) **Commercial fishing**

- (1) The regulations contained in this subsection shall apply to all shark species except spiny dogfish (*Squalus acanthius*). The commercial fishery for spiny dogfish is regulated under section 26-159a-19 of the Regulations of Connecticut State Agencies.
- (2) No commercial fisherman shall possess or land sharks that do not have the tail and fins naturally attached to the carcass. 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. Said species may be gutted and may be bled by making an incision at the base of the caudal peduncle provided the tail is not removed. Commercial fishermen may remove the heads, but no commercial fisherman shall fillet at sea or otherwise cut said species into pieces at sea.
- (3) No commercial fisherman shall take authorized shark species from Connecticut waters or land authorized shark species in Connecticut in excess of the following possession limits:
 - (A) Sharks in the non-sandbar large coastal species group: 33 fish;
 - (B) sharks in the pelagic species group: no possession limit;
 - (C) sharks in the small coastal species group: no possession limit; and
 - (D) smooth dogfish (*Mustelus canis*): no possession limit.
- (4) The possession limits established according to subdivision (3) of this subsection shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. No person shall transfer sharks between vessels at sea.
- (5) No commercial fisherman shall take a shark species or species from a species group from Connecticut waters or land a shark species or species from a species group in Connecticut during any period that the National Marine Fisheries Service, pursuant to 50 CFR 635,

Subpart C, as amended from time to time, has closed the commercial fishery for such shark species or species group in federal waters or during any period that the Spiny Dogfish and Coastal Sharks Board of the ASMFC, pursuant to provisions of the Coastal Shark FMP, has closed the commercial fishery for such shark species or species group in state waters. When either such closure has been declared, the department shall provide notice of such closure to members of the affected public requesting such notice.

- (6) No commercial fisherman shall take authorized shark species from Connecticut waters using any fishing gear except by the following gear types:
 - (A) Rod and reel;
 - (B) handlines; and
 - (C) trawl nets.
- (7) No person shall purchase authorized shark species from commercial fishermen for resale unless such person, in addition to possessing a seafood dealer license issued pursuant to section 26-142a of the Connecticut General Statutes, also possesses a federal shark dealer permit issued pursuant to 50 CFR 635.4, as amended from time to time.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

www.ct.gov/dep



Declaration of Regulation Change (10-03)

Under authority of Section 26-142a(d) of the Connecticut General Statutes, the Commissioner of Environmental Protection is authorized to order the emergency closure of any fishery if such closure is necessary to conform to regulations adopted under the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or by other regional fisheries management authorities.

In accordance with the aforementioned authority, the following commercial fishery closure will be effective January 1, 2010 and will remain in effect until further notice.

Commercial Fishing for Non-Sandbar Large Coastal Sharks

No person shall possess or land any of the following large coastal shark species taken by any commercial fishing gear or for commercial purposes: silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead and smooth hammerhead.

Susan Frechette for Amey Marrella 12/21/09
Amey Marrella, Date
Commissioner



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Declaration of Regulation Change (10-05)

Under authority of Section 26-142a(d) of the Connecticut General Statutes, the Commissioner of Environmental Protection is authorized to order the emergency closure of any fishery if such closure is necessary to conform to regulations adopted under the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or by other regional fisheries management authorities.

In accordance with the aforementioned authority, the following commercial fishery closure will be effective February 1, 2010 and will remain in effect until further notice.

Commercial Fishing for Small Coastal Sharks

No person shall possess or land any of the following small coastal shark species taken by any commercial fishing gear or for commercial purposes: Atlantic sharpnose, finetooth, blacknose, and bonnethead sharks.

Amey Marrella 1/29/10
Amey Marrella, Date
Commissioner



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
www.ct.gov/dep



Declaration of Regulation Change (10-07)

Under authority of Section 26-142a(d) of the Connecticut General Statutes, the Commissioner of Environmental Protection is authorized to order the emergency closure of any fishery if such closure is necessary to conform to regulations adopted under the Fishery Conservation and Management Act of 1976 (Public Law 94-265, as amended) or by other regional fisheries management authorities.

In accordance with the aforementioned authority, the following fishery closure will be effective February 10, 2010 and will remain in effect until further notice.

Commercial or Recreational Fishing for Sandbar Shark

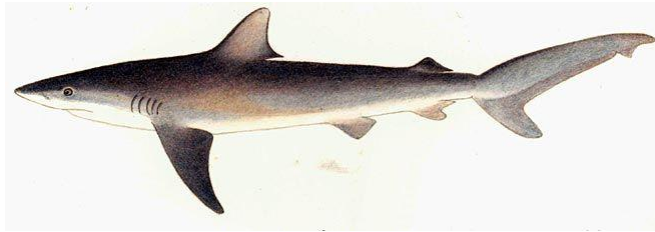
No person shall possess or land sandbar shark taken by recreational or commercial fishing gear or for commercial purposes, except that a holder of a Scientific Collector's Permit issued by this department may take sandbar shark for research or display purposes if specifically authorized to do so under the terms of the permit.

Amy Manella 2/2/10
Amy Manella, Date
Commissioner

State of New Jersey

**Annual Compliance Report for
Atlantic Coastal Sharks**

2011 Fishing Year



**NJ Department of Environmental Protection
Division of Fish & Wildlife
Marine Fisheries Administration**

Report Submitted By: Russell Babb
Nacote Creek Research Station

**Submitted to the Atlantic States Marine Fisheries Commission as a Requirement of
the Interstate Fisheries Management Plan for Coastal Sharks**

I. SUMMARY OF COASTAL SHARKS FISHERY AND RESOURCE MONITORING

The Atlantic States Marine Fisheries Commission (Commission) adopted its first fishery management plan (FMP) for coastal sharks in 2008. Coastal sharks are managed under this plan as six different complexes: prohibited, research, small coastal, non-sandbar large coastal, pelagic and smooth dogfish. Since the Commission does not actively set quotas for any shark species, the State of New Jersey remains in compliance to the FMP (Addendum I) for Coastal Sharks, by following NOAA Fisheries openings and closures for small coastal sharks, non-sandbar large coastal and pelagic sharks. New Jersey's regulations were amended in 2010 to incorporate the modifications set forth under the FMP's Addendum I, which allowed limited smooth dogfish processing at sea (removal of fins from the carcass), removal of smooth dogfish recreational possession limits, and removed gillnet check requirements for smooth dogfish fishermen. Our regulations stipulate clearly that species in the prohibited category may not be possessed or taken, that sandbar sharks may only be taken with a shark fishery research permit and that all species must be landed with their fin attached to carcass by natural means.

There were no changes or modifications to New Jersey's marine fisheries regulations during the 2011 fishing year (see Attachment 1 for copy of the full rule). The New Jersey Marine Fisheries Administration (NJMFA) did not have any significant changes in fishery independent or fishery dependent monitoring for coastal sharks or smooth dogfish during 2011. However, in 2012, NJMFA staff did coordinate a small project in an effort to characterize the finning and processing methods used within New Jersey's smooth dogfish fishery. In addition, the collected data was, in part, used by the ASMFC Coastal Sharks technical committee to review fin:carcass ratio data in order to make a recommendation regarding what ratio should be included in Draft Addendum II (currently in prep).

II. REQUEST FOR DE MINIMUS STATUS, WHERE APPLICABLE

New Jersey has not requested *de minimus* status from the requirements outlined within the Interstate Fishery Management Plan (Addendum I) for Coastal Sharks.

III. NJ COASTAL SHARKS FISHERY AND MANAGEMENT PROGRAM: 2011

A. Fishery Dependent Monitoring

The Marine Fisheries Administration does not conduct any fishery dependent monitoring targeting coastal sharks species or smooth dogfish. However, a handful of commercial fishermen did participate in an advisory role in the NJMFA's 2012 study to review fin:carcass ratios for smooth dogfish finning.

B. Fishery Independent Monitoring

The New Jersey Bureau of Marine Fisheries conducts five nearshore (within 12 nautical miles) trawl surveys each year. These surveys occur in January/February, April, June, August, and October. All species taken during these surveys are weighed and measured. Catch per unit effort (cpue) in number of fish per tow and biomass (kilograms) per tow is calculated each year.

The NJ Ocean Trawl Stock Assessment Survey uses a stratified random sampling design to collect trawl data from state coastal waters. The survey area includes only waters adjacent to the New Jersey coastline. Trawl samples are collected with a three-in-one trawl, which is a two-seam trawl constructed of polyethylene twine with forward netting (wings, belly) of 12 cm (4.7 in.)

stretch mesh and rear netting of 8 cm (3.1 in.) stretch mesh. The codend is 7.6 cm stretch mesh (3.0 in.) and is lined with 6.4 mm (0.25 in.) bar mesh liner. The headrope is 25 m (82 ft.) long and the footrope is 30.5 m (100 ft.) long. The trawl bridle is 120 ft. long, the top leg consisting of 0.5 in. wire rope and the bottom leg comprised of 0.75 in. wire rope covered with 2 3/8 in. rubber cookies. A 60 ft. groundwire, also made of 0.75 in. wire rope covered with 2 3/8 in. rubber cookies, extends between the bridle and trawl doors. The trawl doors are wooden with steel shoes, 8 ft. x 4 ft. 2 in., and weigh approximately 1,000 lbs. each.

Trawl samples are collected by towing the net for 20 minutes, timed from the moment the winch brakes are set to stop the deployment of tow wire to the beginning of haulback. Target towing speed is 2.5 – 3.0 knots, or about 2.8 knots. A 20-minute tow generally covers about one nautical mile. Following haulback, the catch is dumped into a 4 x 8 ft. sorting table where fishes and macroinvertebrates are sorted by species into plastic buckets and wire fish baskets. The total weight of each species is measured with hanging metric scales and the length of all individuals comprising each species caught, or a representative sample by weight for large catches is measured to the nearest centimeter (cm).

A total of three coastal shark species (seven individual sharks) within the Prohibited Species Group were collected during the months of June, September and October, consisting of Atlantic angel, sand tiger and a white shark. Two individual thresher sharks from the Pelagic Species Group were also collected. Of particular interest was the collection of a juvenile white shark. The shark was caught on June 14, between 1:17 and 1:37 pm, approximately three nautical miles from shore, just north of Barnegat Inlet. The depths of the tow ranged from 42' - 47' in depth. The water temperature was a fairly even 19.6 C throughout the water column. The shark was 135 cm long and weighed 19.94 kg. The shark was collected in a large tow of smooth dogfish, bullnose rays along with a rougetail, bluntnose, clearnose skates, northern and striped sea robins, scup, and loligo squid, along with a few fluke and black sea bass. This was the survey's (running since 1988) first white shark.

Table 1. Coastal sharks (LCS, SCS and Pelagic spp., excluding smooth dogfish) collected in New Jersey's fishery independent monitoring (Ocean Trawl Survey).

Species	No.	Weight (kg)	Avg. Length (cm)
Atlantic Angel	4	56.27	117.75
White Shark	1	19.94	135
Sand Tiger	2	57.8	155
Thresher Shark	2	17.02	155

As part of the Ocean Trawl survey, a total of 4,332 individual smooth dogfish were collected during the months of April, June, August and October. Collected smooth dogfish had a total weight of 10,018 kg and an average length of 78.6 cm. An additional five smooth dogfish were collected as part of the NJMFA's Delaware Bay Trawl Survey (see survey narrative below).

Table 2. Smooth dogfish collected in New Jersey's fishery independent monitoring (Ocean Trawl Survey).

Smooth Dogfish By Month / Cruise	Total No.	Total Weight (kg)	Avg. Length (cm)
April	31	93.98	93.3
June	1,940	6,199.62	89.4
August	1,788	3,215.17	75.9
October	573	509.7	64.9

The New Jersey Division of Fish and Wildlife also conducts a finfish trawl survey within the waters of Delaware Bay monthly at eleven stations extending from the Villas in Cape to the Cohansey River from April 2011 to October 2011. All species taken during these surveys are counted and measured. Total number of individuals, relative abundance (catch per tow = c/t) and length frequency are recorded. The sampling was conducted from the Bureau of Shellfisheries' 12.9-m (42-foot) research vessel, *R/V Zephyrus*. This vessel has a fiberglass hull with a draft of 0.8-m (2.75-foot) and is powered by a John Deere inboard marine diesel engine. A new 4.9-m (16-foot) Marinovich style otter trawl built by Innovated Nets with a 3.8-cm (1.5-inch) stretch body mesh and 3.2-cm (1.25-inch) stretch mesh in the cod end was used for sampling. The cod end was lined with a 1.3-cm (0.5-inch) knotless stretch mesh net. The headrope was buoyed with molded fish net floats. The bottom of the net's mouth was weighted with a 0.3-cm (0.125 inch) galvanized chain looped along the footrope. The door dimensions were 30.5 cm (12 inches) x 61.0 cm (24 inches) and were constructed of 1.9-cm (0.75 inch) marine plywood with 1.3-cm (0.5 inch) by 5.1-cm (2 inch) steel shoes. The doors were attached to 1.6-cm (0.625 inch) twisted three strand nylon towlines, by a 0.5-cm (0.188 inch) galvanized chain bridle with 1.0-cm (0.375 inch) swivels.

Single ten-minute tows were conducted against the prevailing tide at each station. All stations were sampled once during each month of the survey (typically during second or third week of the month). The engine tow speed was usually set depending on tidal velocity, to maintain a speed-over-ground of approximately 4.4 km/hr (or 2.4 knots). Speed-over-ground, tow distance and depth were monitored using a Garmin 2010 GPS receiver/depthfinder. Engine speed was constantly monitored and adjusted during the sampling period to maintain trawl speed. The estimated distance towed (nautical miles) was calculated from the average speed over ground (knots) and multiplying it by the duration (in hours) of each tow ($\text{Distance} = \text{Speed} \times \text{Time}$). The trawl net was manually deployed with 60 feet of towline tied to the stern cleats and retrieved with the towlines being spooled through blocks at the end of a 4.6-m (15 foot) A-frame made of 7.62-cm (3 inch) inside diameter aluminum, marine grade pipe. On retrieval, the A-frame and net were hauled at the transom using a Gearmatic GH5 hydraulic winch installed on the mast located aft of the wheelhouse bulkhead. The cod end of the net was manually retrieved and the contents emptied onto a sorting table affixed to the stern of the vessel.

A total of only five smooth dogfish were caught during the months of June and August with an average length of 38.8 cm and a catch per tow index of 0.06. These fish were not weighed.

C. New Jersey Regulations for Coastal Sharks in 2011

Addendum I (2009) made a number of modifications to the coastal sharks FMP, which required rule amendments to N.J.A.C. 7:25-18. These changes were made following the passage of this addendum. The amendments to New Jersey's recreational and commercial fisheries for Atlantic coastal sharks reflected the management measures mandated under the Atlantic States Marine Fisheries Commission (ASMFC) Interstate Fishery Management Plan for Atlantic Coastal Sharks, which contained an addendum implementation date of January 1, 2010. The smooth dogfish is also included in the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks. Please see Attachment 1 at the end of this document for a partial copy of the rules governing the harvest of sharks in New Jersey (N.J.A.C. 7:25, Subchapter 18. MARINE FISHERIES).

D. New Jersey Coastal Shark Harvest

Commercial Landings

Reported coastal shark (LCS, SCS and Pelagic spp., excluding smooth dogfish) landings were obtained from the Standard Atlantic Fisheries Information System (SAFIS) for fishing year 2011. Reported NJ landings of Atlantic coastal sharks species in 2011 were 43,740 lbs, a decrease from the average landings of 53,082 lbs. from the previous three (2008-2010) seasons (Table 3).

Table 3. 2011 Coastal Shark (LCS, SCS and Pelagic spp.) Landings and Value

Fishing Year	Species	NJ Reported	
		Qty. (lbs)	Value
2011	SHARK,BLACKTIP	287.00	\$269.85
2011	SHARK,BLUE	306.00	\$811.29
2011	SHARK,FINETOOTH	464.00	\$404.97
2011	SHARK,HAMMERHEAD	311.00	\$177.65
2011	SHARK,LONGFIN MAKO	228.00	\$364.80
2011	SHARK,PORBEAGLE	63.00	\$47.60
2011	SHARK,SHORTFIN MAKO	30,102.00	\$50,996.80
2011	SHARK,THRESHER	11,979.00	\$12,865.97
Total		43,740.00	\$65,938.93

New Jersey's reported commercial landings of smooth dogfish in 2011 was 640,503 lbs, a slight increase from the average landings of 561,572 lbs. from the previous two fishing (2008-2010) seasons (Table 4). Gill net harvest (49.7%) and otter trawls (27.9%) constituted nearly 80% of the total state catch.

Table 4. 2011 Commercial Landings by Gear Type - Smooth Dogfish

Gear Type	Trips/Count	Reported	Average	% of Total
		Qty. (lbs)	Qty./Trip	Harvest
Dredge	1	1,174	1,174	0.2
Gill Nets	408	318,452	781	49.7
Not Coded	172	103,282	600	16.1

Other Trawls	70	8,127	116	1.3
Otter Trawl, Bottom Scallop	5	1,253	251	0.2
Otter Trawl, Midwater Trawl	2	2,450	1,225	0.4
Otter Trawls	439	178,874	407	27.9
Pound Nets	19	26,891	1,415	4.2
Totals	1,116	640,503	5,969	

Recreational Landings

NOAA’s Marine Recreational Information Program (MRIP) website was queried for all coastal shark species within the Research, Small Coastal, Non-Sandbar large coastal, Pelagic and smooth dogfish categories. Despite the NJMFA’s firsthand knowledge of shark landings (e.g., thresher, shortfin mako) throughout the State during 2011, queries for each species demonstrated very little data in the MRIP harvest database. MRIP estimated that 582,335 smooth dogfish were caught during fishing year 2011 (Table 5.). MRIP estimated that 11,688 sandbar sharks were caught during fishing year 2011 (Table 6.)

The queries that yielded positive harvest results are listed as follows:

Table 5. 2011 Recreational Landings by Fishing Mode - Smooth Dogfish

Year	Common Name	Fishing Mode	Total Catch (A+B1+B2)	PSE	Harvest (A+B1) Total Weight (lb)	PSE
2011	SMOOTH DOGFISH	SHORE	117,697	51.3	0	.
		PARTY BOAT	9,651	28.1	2,354	69.3
		CHARTER BOAT	93,060	32.5	7,732	72.1
		PRIVATE/RENTAL BOAT	361,927	25.2	3,654	98.9

Table 6. 2011 Recreational Landings by Fishing Mode – Sandbar Shark

Year	Common Name	Fishing Mode	Total Catch (A+B1+B2)	PSE	Harvest (A+B1) Total Weight (lb)
2011	SANDBAR SHARK	SHORE	14,729	98.9	0
		PRIVATE/RENTAL BOAT	8,646	53.6	0

E. Addendum III Habitat Requirements

No mandatory measures related to habitat are implemented through this FMP.

IV. NEW JERSEY COASTAL SHARKS AND SMOOTH DOGFISH FISHERY AND MANAGEMENT PROGRAM: 2012

A. New Jersey Regulations on Coastal Sharks and Smooth Dogfish in 2012

See III C above for New Jersey's 2011 regulations related to the management of the harvest for coastal sharks and smooth dogfish. No amendments or changes are currently planned for the sections related to coastal shark and smooth dogfish management.

B. Coastal Sharks and Smooth Dogfish Monitoring Programs for 2012

There will be no fishery dependent resource monitoring program for coastal sharks or smooth dogfish in 2012. The State's ocean stock assessment program and the Delaware Bay trawl survey will continue in 2012 and any coastal sharks or smooth dogfish taken will be enumerated, weighed and measured.

C. Significant Changes in Management and/or Monitoring of Coastal Sharks and/or Smooth Dogfish in 2012.

No changes from the previous year.

V. PLAN SPECIFIC REQUIREMENTS

Specific requirements outlined in the Coastal Shark FMP are addressed by our regulations. They are as follows:

- a. Recreational seasonal closure as specified in Section 4.2.1.
- b. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.
- c. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass. a. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.
- d. Recreational anglers may only use handlines and rod & reel.
- e. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.
- f. Commercial seasonal closure as specified in Section 4.3.2.
- g. Quota specifications as specified in Section 4.3.4.
- h. Ability to allocate quotas seasonally as specified in Section 4.3.5.
- i. Possession limits as specified in Section 4.3.6.
- j. Commercial permit requirement.
- k. Display and research permit requirements.
- l. Federal Commercial Shark Dealer Permit requirement.
- m. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).
- n. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).

o. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).

VI. LAW ENFORCEMENT REPORTING REQUIREMENTS

There are no plan specific law enforcement reporting requirements in the Coastal Sharks FMP.

ATTACHMENT 1.

REGULATIONS N.J.A.C. 7:25-18.1 – GOVERNING THE TAKING OF SHARKS AND SMOOTH DOGFISH

*NOTES: THIS IS A REDUCED VERSION OF THIS RULE. IT HAS BEEN SHORTENED TO ONLY DEPICT THOSE SECTIONS RELATIVE TO THE REGULATION OF THE COASTAL SHARK AND SMOOTH DOGFISH FISHERIES. A PLACEHOLDER OF [...] DEPICTS LOCATION OF OMITTED AND UNRELATED SECTIONS. **BOLDFACED** TEXT INDICATE LANGUAGE THAT WAS ADDED OR MODIFIED BY THE NJMFA DURING THE LAST RULE AMENDMENT PROPOSAL FOLLOWING PASSAGE OF ADDENDUM I.*

SUBCHAPTER 18. MARINE FISHERIES

7:25-18.1 Size, season and possession limits

- (a) For the purpose of this subchapter, the following common names shall mean the following scientific name(s) for a species or group of species, except as otherwise specified elsewhere in this subchapter.

Common Name Scientific Name

.....

Shark Large Coastal Group

...

[*Carcharhinus altimus* (Bignose Shark)]

...

[*Carcharhinus perezi* (Caribbean Reef Shark)

Carcharhinus obscurus (Dusky Shark)

Carcharhinus galapagensis (Galapagos Shark)]

...

[*Carcharhinus brachyurus* (Narrowtooth Shark)

Carcharhinus signatus (Night Shark)

Carcharhinus plumbeus (Sandbar Shark)]

...

Small Coastal Group

[*Squatina dumerili* (Atlantic Angle Shark)]

...

[*Rhizoprionodon porosus* (Caribbean Sharpnose Shark)]

...

[*Carcharhinus porosus* (Smalltail Shark)]

Pelagic Group

[*Hexanchus vitulus* (Bigeye Sixgill Shark)]

Heptranchias perlo (Sevengill Shark)
Hexanchus griseus (Sixgill Shark)
Isurus paucus (Longfin Mako)]

...

[Alopias superciliosus (Bigeye Thresher)]

...

Research Only Group

Carcharhinus plumbeus (Sandbar Shark)

...

(b) A person shall not purchase, sell, offer for sale, or expose for sale, any species listed below less than the minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

Minimum Size

Species (inches)_____

.....

Shark [48]

Large Coastal Group No Limit

Small Coastal Group No Limit

Pelagic Group No Limit

Smooth Dogfish No Limit

.....

1. – 3. (No change.)

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below:

Minimum Size Possession

Species In Inches__ Open Season Limit____

...

Shark [48] [Jan. 1-Dec. 31] [2]1 per vessel, as specified in (c)2 below

Large Coastal Group 54 Jan. 1-May 14, and

July 16-Dec. 31

Small Coastal Group No Limit Jan. 1-Dec. 31

Pelagic Group 54 Jan. 1-Dec. 31

Smooth Dogfish No Limit Jan. 1-Dec. 31 No Limit

...

1. (No change.)

2. **Shark length shall be measured from the tip of the snout to the V shaped indentation between the two separate tail segments (fork length) forming the caudal fin. Sharks may be harvested in the recreational fishery only by angling with a hand line, or rod and reel.** The possession limit for shark, as listed at (a) above, shall be [as

enumerated at (c) above] **a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group** on a per vessel basis regardless of the number of individuals on board said vessel. **In addition, each recreational angler fishing from a boat may harvest one bonnethead and one Atlantic sharpnose per trip.** If a person is fishing from shore or a land based structure, the possession limit shall be [as enumerated at (c) above] **a maximum harvest of one shark from the Large Coastal, Small Coastal, or Pelagic species group per calendar day** on a per person basis. **In addition, each recreational angler fishing from the shore or a land-based structure may harvest one bonnethead and one Atlantic sharpnose per calendar day.**

3. (No change.)

(d) A person shall not take, possess, land, purchase, sell or offer for sale any of the following species:

Species Scientific Name

Atlantic Angel Shark *Squatina dumerili*

... ..

Bigeye Sixgill Shark *Hexanchus vitulus*

Bigeye Thresher Shark *Alopias superciliosus*

Bignose Shark *Carcharhinus altimus*

Caribbean Reef Shark *Carcharhinus perez*

Caribbean Sharpnose Shark *Rhizoprionodon porosus*

Dusky Shark *Carcharhinus obscurus*

Galapagos Shark *Carcharhinus galapagensis*

Longfin Mako Shark *Isurus paucus*

Narrowtooth Shark *Carcharhinus brachyurus*

Night Shark *Carcharhinus signatus*

... ..

Sharpnose Sevengill Shark *Heptranchias perlo*

.....

Sixgill Shark *Hexanchus griseus*

Silky Shark (recreational *Carcharhinus falciformis* fishery only)

Smalltail Shark *Carcharhinus porosus*

.....

(e) Except as provided in (e)2 and (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

1. A shark **or dogfish** may be eviscerated [and the head and tail removed] prior to landing [, provided that the alternate length as measured from the origin of the first dorsal fin to the precaudal pit (located just forward of the origin of the upper lobe of the caudal or tail fin) is not less than 23 inches in length]. The fins may not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed as specified in (e) above.

2. (No change.)

(f) – (o) (No change.)

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits, **and the list of shark species contained within any of the shark groups** specified in this

section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division outdoor writers' mailing list.

(q) – (r) (No change.)

7:25-18.12 Commercial fishing seasons, quotas, and trip limits

(a) – (c) (No change.)

(d) The following provisions are applicable to the commercial harvest of sharks **and smooth dogfish**:

1. A person shall not possess more **sharks** than [two sharks per vessel nor shall a person sell or attempt to sell more than two sharks] **the number specified in the possession limit at N.J.A.C. 7:25-18.1(c)** without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service **or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery. With a valid annual vessel permit or a New Jersey commercial fishing license, the maximum possession limit is 33 sharks from the Large Coastal shark species group, an unlimited number of sharks from the Small Coastal shark species group, and an unlimited number of sharks from the Pelagic shark species group. A person shall not sell or attempt to sell any sharks without a valid annual vessel permit for sharks issued by the National Marine Fisheries Service or a New Jersey commercial fishing license issued for the gear allowed in the commercial shark fishery.**

i. Any harvester or vessel landing shark **or smooth dogfish** in New Jersey for the purpose of sale shall sell all shark **or smooth dogfish** only to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service.

2. A dealer shall not purchase or receive a shark without a valid annual dealer permit for sharks issued by the National Marine Fisheries Service. **Each such shark dealer shall report weekly shark and smooth dogfish landings electronically through the Standard Atlantic Fisheries Information System (SAFIS).**

3. (No change.)

4. **The commercial fishing season for shark and smooth dogfish shall be from January 1 through December 31, except the harvest of Large Coastal sharks shall be prohibited from May 15 through July 15. A fisherman legally harvesting any of the Large Coastal sharks in Federal waters from three to 200 nautical miles offshore during the May 15 through July 15 time period may transport his or her catch through the State marine waters of New Jersey provided that the fisherman notifies the Department by calling 609-748-2050 prior to entering the State's marine waters and provided:**

i. **That the vessel does not engage in fishing within the closed area while processing the above species;**

ii. **The sharks possessed were not caught in the closed area; and**

iii. **All fishing gear is stowed and not available for immediate use as defined below:**

(1) **“On-reel” stowage for vessels transiting a closed area shall be as follows:**

(A) **The net shall be on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound;**

(B) **The towing wires shall be detached from the doors; and**

(C) **No containment rope, codend tripping device, or other mechanism to close off the codend shall be attached to the codend; and**

(2) Gillnet gear stowage for vessels transiting a closed area shall be as follows:

(A) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail; and

(B) All buoys larger than six inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

5. The following gear types may be used for commercial shark harvest in State marine waters: gillnets, trawl nets, and pound nets. Large-mesh gill nets are defined as having a stretch mesh greater than or equal to five inches.

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally through dockside landing. Commercial fishermen may completely remove the fins of smooth dogfish from March through June each year. If the fins are removed, the total wet weight of the fins shall not exceed five percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel. From July through February, for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but shall keep the dorsal fin attached naturally to the carcass through landing. If fins are removed, the total wet weight of the smooth dogfish fins shall not exceed five percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

7. The smooth dogfish annual quota is unlimited and the smooth dogfish trip limit is unlimited.

(e) – (n) (No change.)

(o) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify quotas, trip limits and/or seasons, **as well as gear types and gear restrictions**, specified in [the] **this** section[,] by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. §5104(b) or to maintain consistency with any Mid-Atlantic Fishery Management Council plan adopted by the National Marine Fisheries Service. The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify trip limits and/or seasons, **as well as gear types and gear restrictions**, specified in this section by notice in order to provide for the optimal utilization of any quotas specified in this section. The Commissioner will review the catch rate for a particular species in relation to the season quota and, if harvest data indicate that upward adjustments in harvest control measures are warranted to maximize utilization of the available quota within a specific season for a specific fishery, the Commissioner may adjust the above specified control measures to achieve optimal utilization of the total allowable catch. The Department shall publish notice of any such modification in the New Jersey Register.

(p) – (s) (No change.)



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, Delaware 19901

MEMORANDUM

TO: ASMFC

FROM: John Clark, Fisheries Administrator

DATE: January 11, 2013

SUBJECT: Coastal Shark Compliance Report for 2011

I. Introduction

Delaware did not collect biological samples on coastal sharks in 2011. There was no commercial harvest of sharks in Delaware, excluding smooth dogfish. Commercial smooth dogfish landings decreased by 63% in 2011 to 6,311 lbs. In 2011, there was no harvest of sharks in the recreational fishery, excluding smooth dogfish. There were 2,708 pounds of smooth dogfish harvested in the recreational fishery. Historically, the predominant species caught in the recreational fishery were sand tigers and sandbar sharks. Regulations were changed in 2011 to increase protection of prohibited shark species by prohibiting their removal from the water.

II. Request for *de minimis*, where applicable

The Fishery Management Program (FMP) does not establish specific *de minimis* guidelines and the plan does not require any monitoring requirements, therefore Delaware is not requesting *de minimis* status at this time.

III. Previous calendar year's fishery and management program

a. Activity and results of fishery dependent monitoring

Commercial fishery landings statistics are compiled from mandatory, fisherman-reported, monthly logbook submissions to the State of Delaware. Prior to 2001, sharks were aggregated into one category on fisherman logbooks. After 2001, smooth dogfish and spiny dogfish were given individual categories but all other sharks remained in an aggregate shark group until 2009 when logbooks were adjusted to denote species. Recreational fishery statistics are estimated from the Marine Recreational Information Program of the National Oceanic and Atmospheric Administration. No biological sampling was performed on this fishery.

b. Activity and results of fishery independent monitoring

Delaware conducts a 30' adult trawl survey and a 16' juvenile trawl survey in the Delaware Bay. In the adult trawl survey, the species most commonly caught were sand tigers, sandbar shark and smooth dogfish. Thresher, Atlantic angel, Atlantic sharpnose and dusky sharks have been caught in the past, but rarely. Sand tiger shark catch per nautical mile in 2011 remains high for the time series (Figure 1) and sandbar shark catch per nautical miles continues to increase (Figure 2). Smooth dogfish catch per nautical mile continues to increase from a low in 2005 (Figure 3). In the juvenile trawl, the species caught were sand tigers, sandbar sharks and smooth dogfish (Figures 4-6). Delaware also conducts a 16' juvenile trawl survey in the Inland bays. The only species caught in this survey was smooth dogfish (Figure 7).

c. Copy of regulations

3541 Atlantic Sharks

(Penalty Section 7 Del.C. §936(b)(2))

1.0 Definitions:

"Fillet" shall mean to remove slices of fish flesh, of irregular size and shape, from the carcass by cuts made parallel to the backbone.

"Land or Landing" shall mean to put or cause to go on shore from a vessel.

"Management Unit" shall mean any of the non-sandbar large coastal species, small coastal species, pelagic species and prohibited species of sharks or parts thereof defined in this regulation. Smooth dogfish (*Mustelus canus*), although they are a species of shark, are not presently part of the management unit as defined above, and are not subject to minimum size or daily harvest restrictions. They are subject to the provisions of Regulation 3541, Sections 3.0 and 4.0.

"Non-Sandbar Large Coastal Species" shall mean any of the following species of sharks or parts thereof:

Great hammerhead, *Sphyrna mokarran*

Scalloped hammerhead, *Sphyrna lewini*

Smooth hammerhead, *Sphyrna zygaena*

Nurse shark, *Ginglymostoma cirratum*

Blacktip shark, *Carcharhinus limbatus*

Bull shark, *Carcharhinus leucas*

Lemon shark, *Neqapriion brevirostris*

Silky shark, *Carcharhinus falciformis*

Spinner shark, *Carcharhinus brevipinna*

Tiger shark, *Galeocerdo cuvieri*

"Pelagic Species" shall mean any of the following species of sharks or parts thereof:

Porbeagle shark, *Lamna nasus*

Shortfin mako, *Isurus oxyrinchus*

Blue shark, *Prionace glauca*

Oceanic whitetip shark, *Carcharhinus longimanus*

Thresher shark, *Alopias vulpinus*

“Prohibited Species” shall mean any of the following species of sharks or parts thereof:

Basking shark, *Cetorhinidae maximus*

White shark, *Carcharodon carcharias*

Bigeye sand tiger, *Odontaspis noronhai*

Sand tiger, *Odontaspis taurus*

Whale shark, *Rhincodon typus*

Bignose shark, *Carcharhinus altimus*

Caribbean reef shark, *Carcharhinus perezi*

Dusky shark, *Carcharhinus obscurus*

Galapagos shark, *Carcharhinus galapagensis*

Narrowtooth shark, *Carcharhinus brachyurus*

Night shark, *Carcharhinus signatus*

Atlantic angel shark, *Squatina dumerili*

Caribbean sharpnose shark, *Rhizoprionodon porosus*

Smalltail shark, *Carcharhinus porosus*

Bigeye sixgill shark, *Hexanchus vitulus*

Sevengill shark, *Heptranchias perlo*

Sixgill shark, *Hexanchus griseus*

Longfin mako, *Isurus paucus*

Bigeye thresher, *Alopias superciliosus*

"Sandbar shark" shall mean *Carcharhinus plumbeus*

"Shore fishing" shall mean any fishing that does not take place on board a vessel. The terms "shore fishing" and "shore angler" are synonymous.

“Small Coastal Species” shall mean any of the following species of sharks or parts thereof:

Bonnethead, *Sphyrna tiburo*

Atlantic sharpnose shark, *Rhizoprionodon terraenovae*

Blacknose shark, *Carcharhinus acronotus*

Finetooth shark, *Carcharhinus isodon*

2.0 It shall be unlawful for any person to land, purchase, trade, barter, or possess or attempt to land, purchase, trade, barter, or possess a prohibited species.

2.1 It shall be unlawful for any hook and line fisherman to remove from the water sandbar shark, or any other species of shark when prohibited from harvest under §3541.

3.0 It shall be unlawful for any person to possess the fins from any shark in the management unit prior to landing said shark unless said fins are naturally attached to the body of said shark.

4.0 It shall be unlawful for any person to fish for any shark while in state waters with any fishing equipment or by any method, except: (1) Hook and Line; (2) Gill Net.

5.0 It shall be unlawful for any person to fillet a shark in the management unit prior to landing said shark. A shark may be eviscerated prior to landing said shark, but the head, tail, and fins must remain naturally attached to the carcass, except that commercial fishermen may eviscerate and remove the head of any shark reduced to possession, but the tail and fins must remain attached to the carcass.

6.0 It shall be unlawful to release any shark in the management unit or any sandbar shark in a manner that will not ensure said sharks maximum probability of survival. All species of shark when prohibited from harvest under §3541 must be immediately released.

7.0 It shall be unlawful for the operator of any vessel without a commercial food fishing license to have on board said vessel more than one non-prohibited shark per trip from among those species in the management unit, regardless of the number of people on board

the vessel. In addition each recreational angler fishing from a vessel may harvest and possess one bonnethead, and one Atlantic sharpnose shark per trip.

7.1 It shall be unlawful for any shark caught in state waters to be bought and sold without a federal Commercial Shark Dealer Permit.

8.0 It shall be unlawful for any person who has been issued a valid commercial food fishing license while on board any vessel to possess any non-prohibited shark from among those species in the management unit during the remainder of any period after the effective date a commercial quota for that group of sharks has been reached in said period or is projected to be reached in said period by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration and the U.S. Department of Commerce. Further, it shall be unlawful for any person who has been issued a valid commercial food fishing license while on board any vessel to possess any non-sandbar large coastal sharks, small coastal sharks, or pelagic sharks in excess of current federal daily harvest limits administered by the National Marine Fisheries Service.

9.0 It shall be unlawful for any person to engage in a directed commercial fishery for a prohibited species.

10.0 It shall be unlawful for the operator of any vessel without a commercial foodfishing license to have on board said vessel any non-prohibited shark from among those species in the management unit that measures less than 54 inches, fork length (tip of snout to indentation between dorsal and ventral tail lobes), with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish sharks, for which no minimum size limit applies.

11.0 It shall be unlawful for any shore angler without a commercial foodfishing license to take and reduce to possession any non-prohibited shark from among those species in the management unit less than 54 inches, with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish sharks, for which no size limit applies.

12.0 It shall be unlawful for any shore angler without a commercial foodfishing license to take and reduce to possession more than one non-prohibited shark from among those species in the management unit per day (a day being 24 hours). Recreational shore anglers may also harvest one additional bonnethead, and one additional Atlantic sharpnose shark per day.

13.0 It shall be unlawful for any recreational or commercial fisherman to possess silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks from May 15 through July 15, regardless of where the shark was caught. Fishermen who catch any of these species in federal waters may not transport them through Delaware state waters during the aforementioned closed season.

14.0 It shall be unlawful for any recreational or commercial fisherman to land or possess any sandbar sharks, except for a commercial fisherman in possession of a valid sandbar shark research permit issued by the National Marine Fisheries Service. There must be a qualified observer aboard any vessel that lands and possesses sandbar sharks fishing under the auspices of a valid federal research permit.

15.0 It shall be unlawful for any Delaware recreational or commercial fisherman to land or possess any species of shark in state waters that is illegal to catch or land or possess in federal waters. Presently it is unlawful for recreational fishermen to take and possess silky sharks in federal waters at any time of the year.

16.0 The Department may grant anyone permission to take and possess sharks that would otherwise be illegal to take and possess when used for display and/or research purposes. Applicants will need a current State of Delaware scientific collecting permit. Applicants must

annually report the number, weight, species, location caught, and gear used for each shark collected for research or display purposes, and the annual disposition of said sharks throughout the life of each shark so taken. The Division reserves the right to place limits on or deny any request to take prohibited species of sharks under the auspices of a scientific collecting permit.

d. Harvest broken down by commercial and recreational

The only sharks harvested by Delaware commercial fisherman in 2011 were smooth dogfish. Sharks landings have decreased steadily over the last seven years with the last major harvest of sharks occurring in 2003. Smooth dogfish landings peaked in 2009, with the third largest harvest on record, but have steadily declined in recent years. Commercial smooth dogfish landings decreased by 63% between 2010 and 2011 to 6,311 lbs. Gill net and hook and line are the predominant gears in the shark fishery (Figures 12 and 13). In 2011, there was no harvest of sharks in the recreational fishery, excluding smooth dogfish. There were 2,708 pounds of smooth dogfish harvested in the recreational fishery. The predominant species caught in the recreational fishery were sand tigers and sand bar sharks (Figures 8,9,10 and 11).

IV. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect

Delaware's shark regulations will remain unchanged in 2012 as shown in section III c.

b. Summarize monitoring programs that will be performed

Monitoring of the commercial shark landings will continue in 2012. Recreational fishery statistics will be collected by NMFS through the MRIP with Delaware continuing to augment the sampling rate to decrease PSEs. Fisheries independent sampling will continue at the same level for 2012.

c. Highlight any changes from the previous year

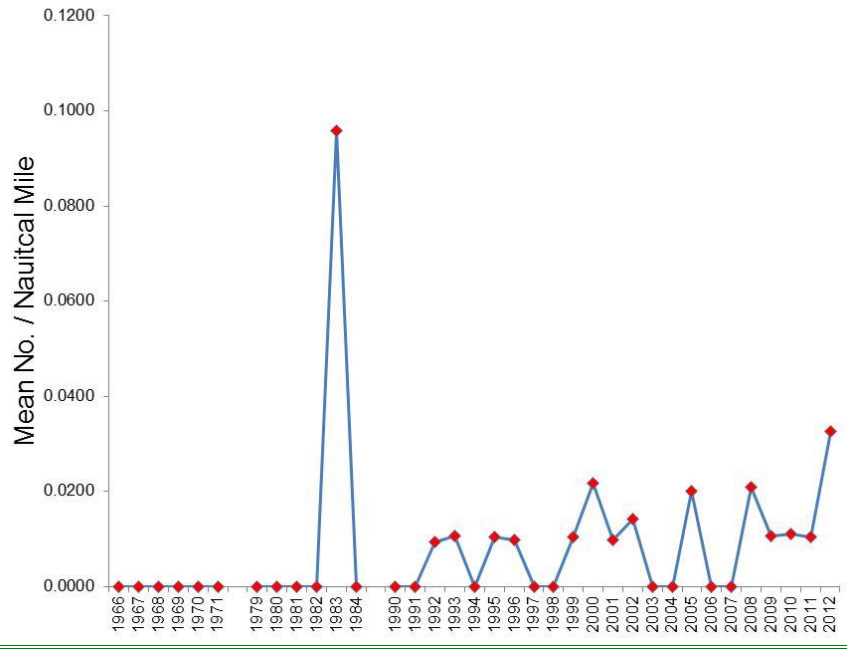
Delaware introduced new regulations in 2011 to increase protection of prohibited species of shark by prohibiting the removal of prohibited sharks from the water.

V. Plan specific requirements

Delaware meets all plan specific requirements of the Coastal shark Fisheries management plan.

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Sand Tiger Shark



Sand Tiger Shark

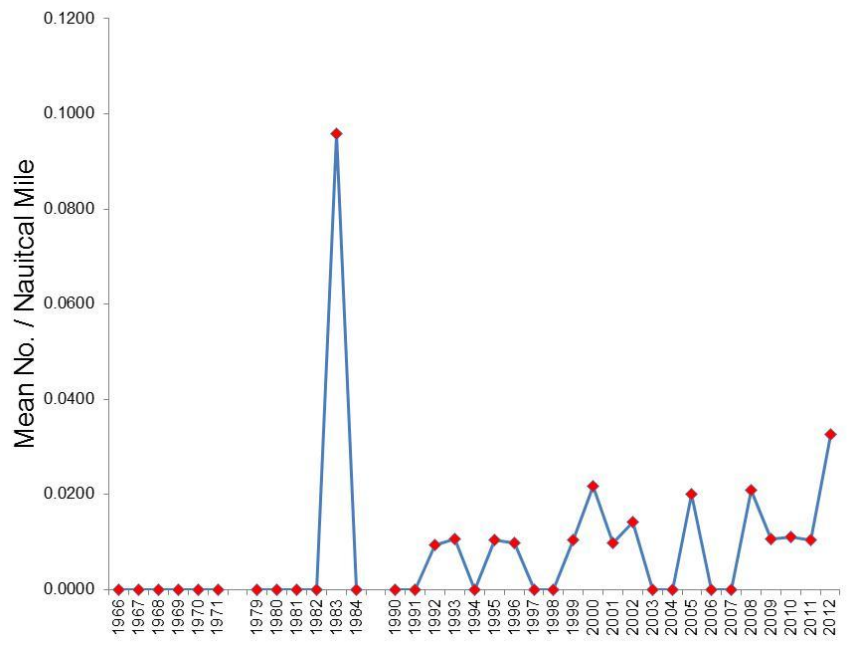


Figure 1. Sand tiger shark relative abundance (mean number per nautical mile), time series (1966 – 2011) mean and median as measured in 30-foot trawl sampling in the Delaware Bay.

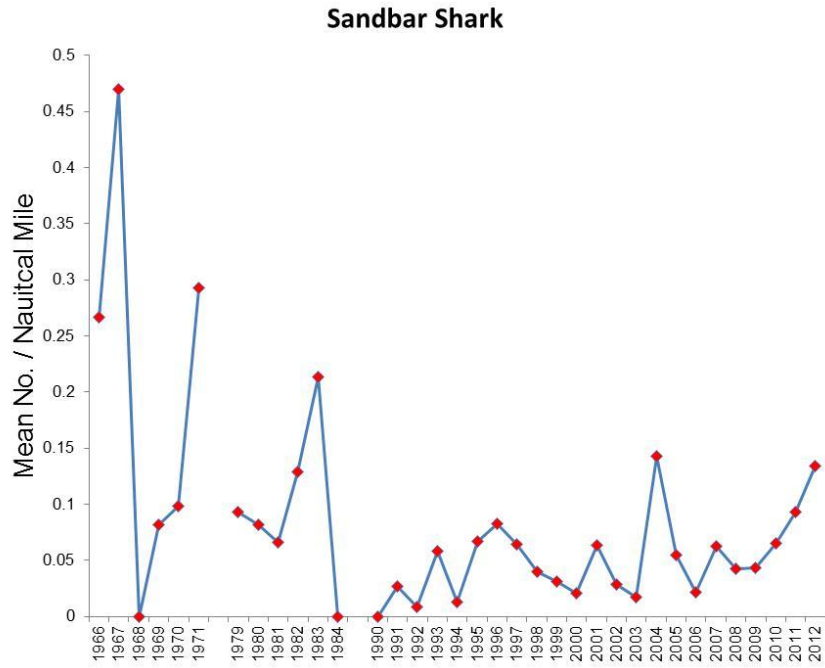


Figure 2. Sandbar shark relative abundance (mean number per nautical mile), time series (1966 – 2011) mean and median as measured in 30-foot trawl sampling in the Delaware Bay.

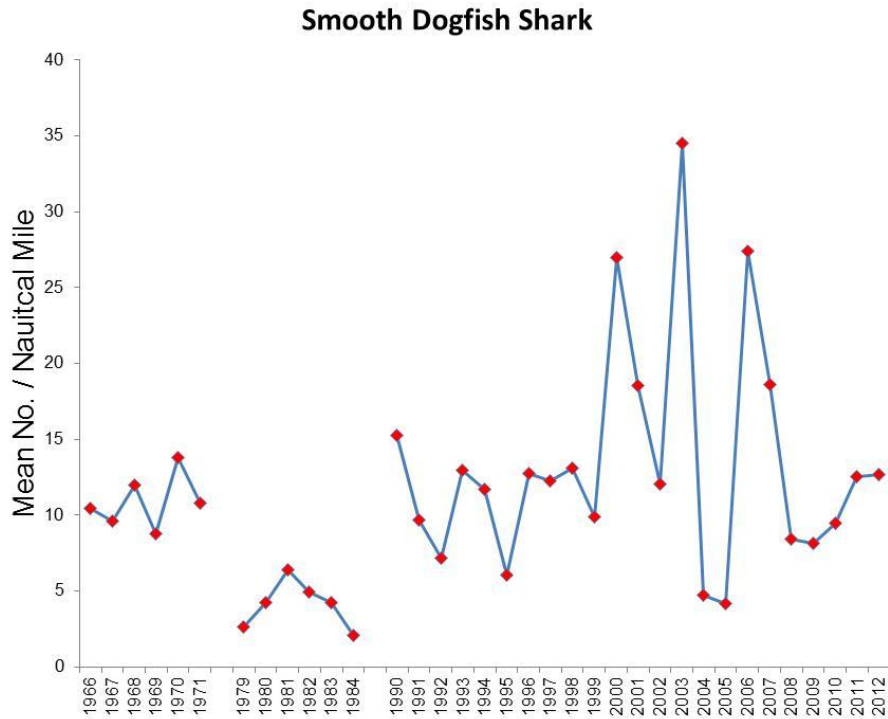


Figure 3. Smooth dogfish shark relative abundance (mean number per nautical mile), time series (1966 – 2011) mean and median as measured in 30-foot trawl sampling in the Delaware Bay.

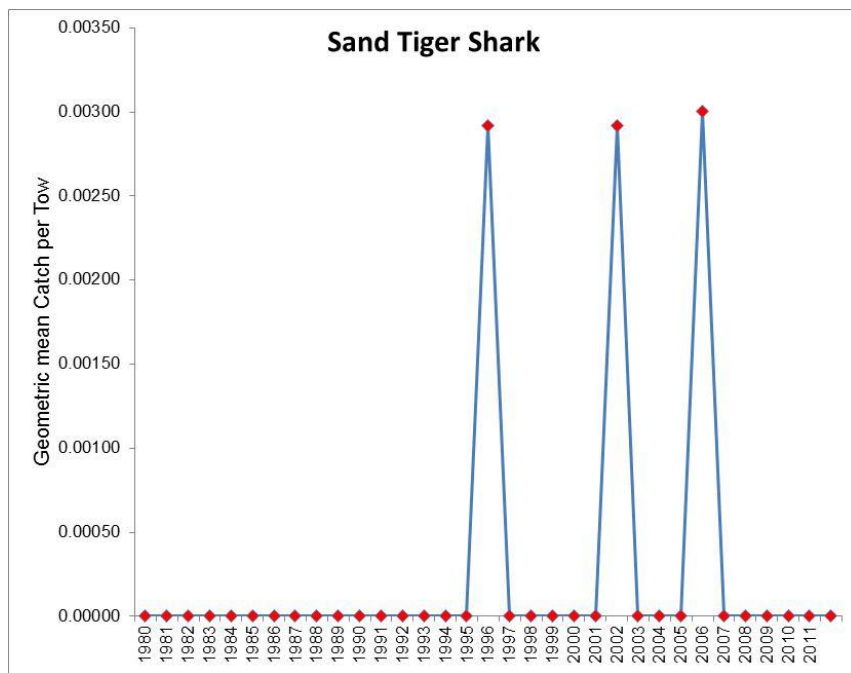


Figure 4. Index of Sand tiger shark, time series (1990 – 2011) mean and time series median as measured by 16-foot trawl sampling in the Delaware estuary.

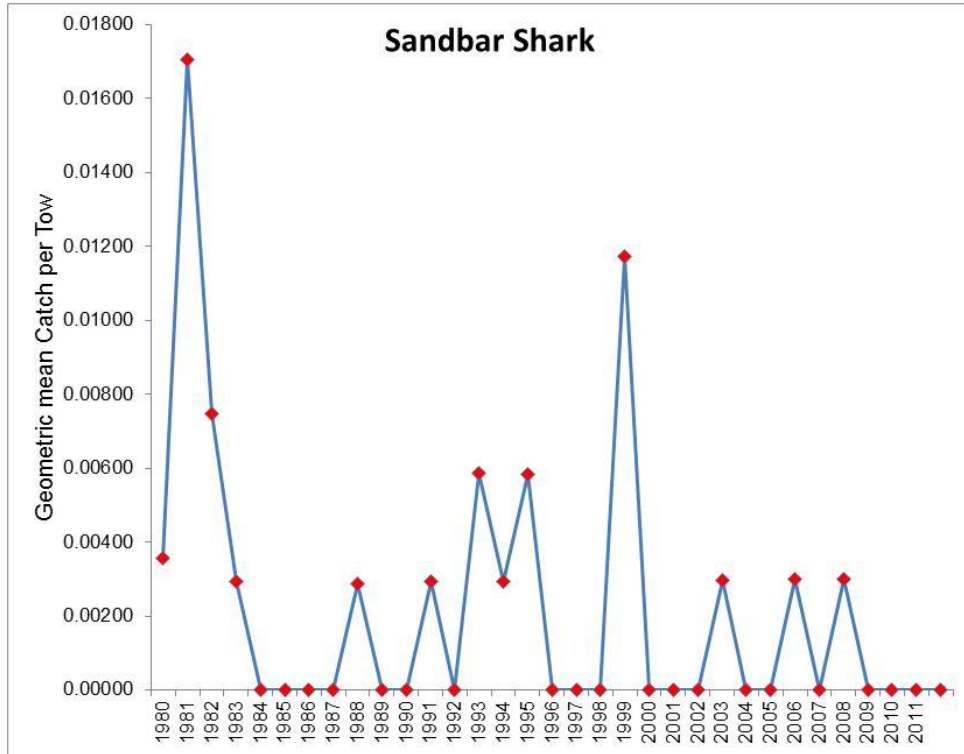


Figure 5. Index of Sandbar shark, time series (1990 – 2011) mean and time series median as measured by 16-foot trawl sampling in the Delaware estuary.

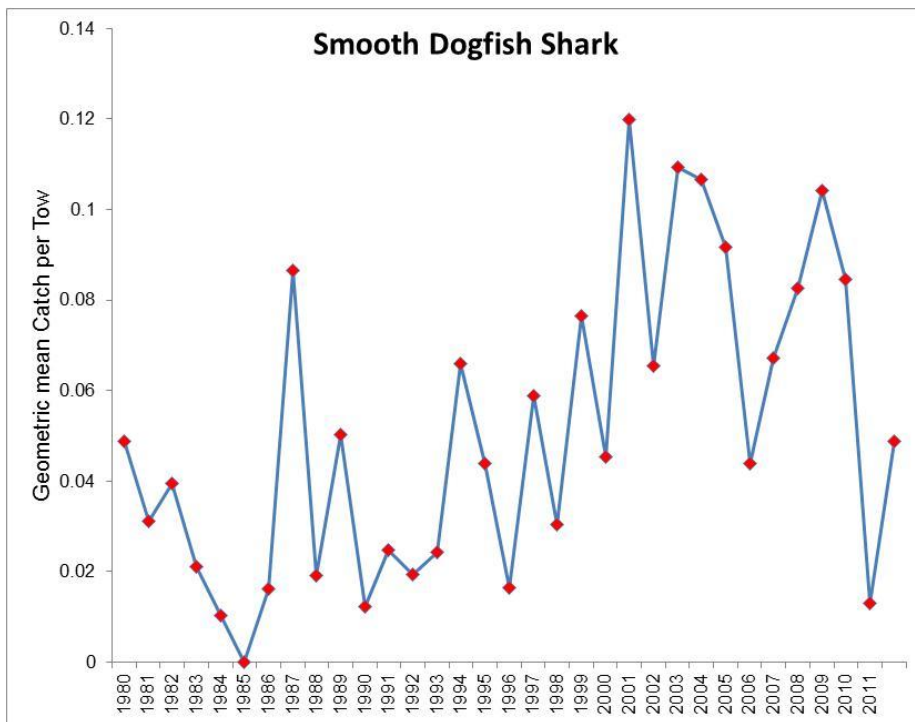


Figure 6. Index of young-of-the-year Smooth dogfish abundance, time series (1990 – 2011) mean and time series median as measured by 16-foot trawl sampling in the Delaware estuary.

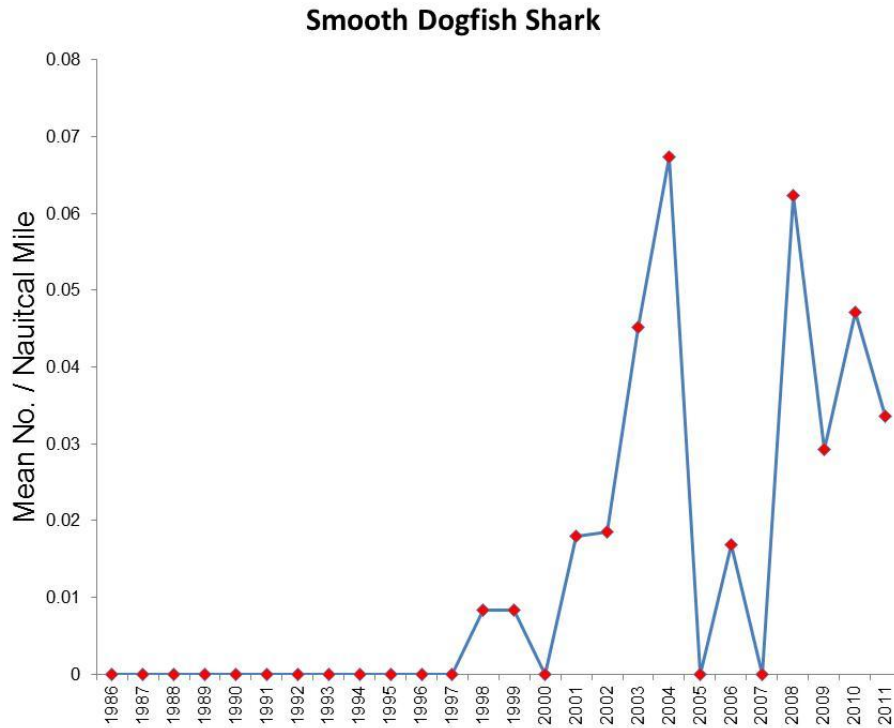


Figure 7. Index of young-of-the-year Smooth dogfish abundance, time series (1990 – 2011) mean and time series median as measured by 16-foot trawl sampling in the Inland Bays.

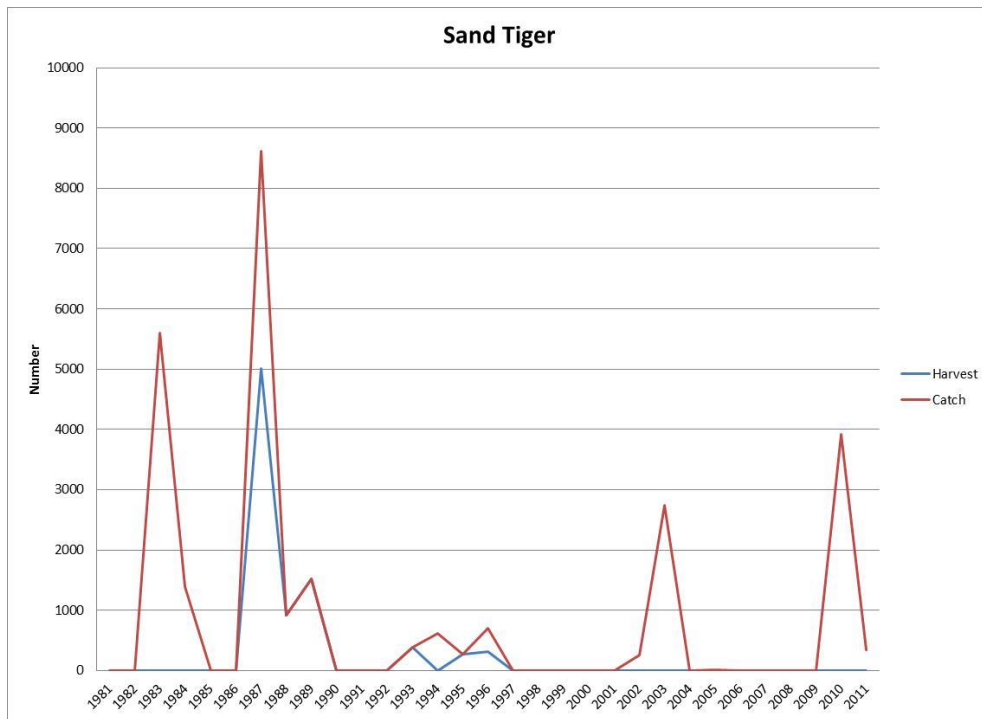


Figure 8. Recreational harvest and catch of Sand Tiger sharks in Delaware from 1981 to 2011.

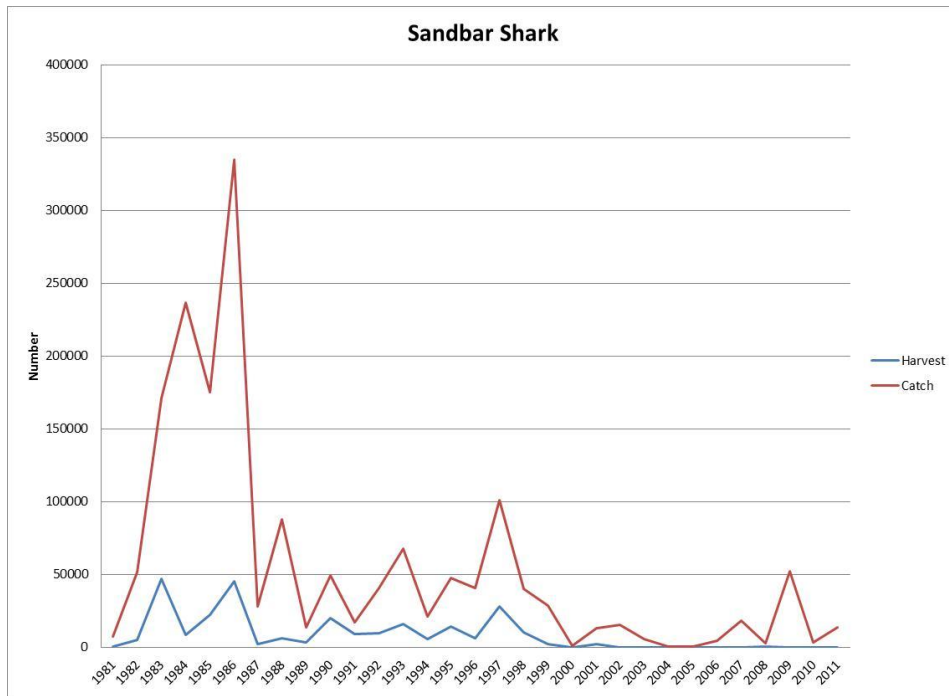


Figure 9. Recreational harvest and catch of Sandbar sharks in Delaware from 1981 to 2011.

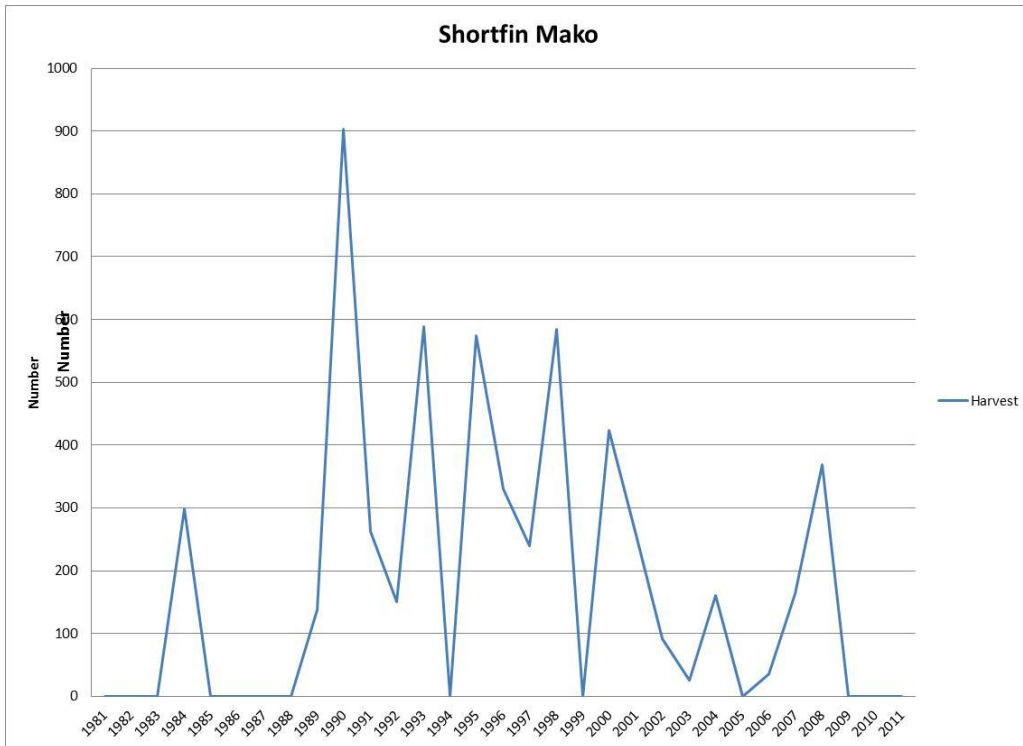


Figure 10. Recreational harvest of Shortfin Mako in Delaware from 1981 to 2011.

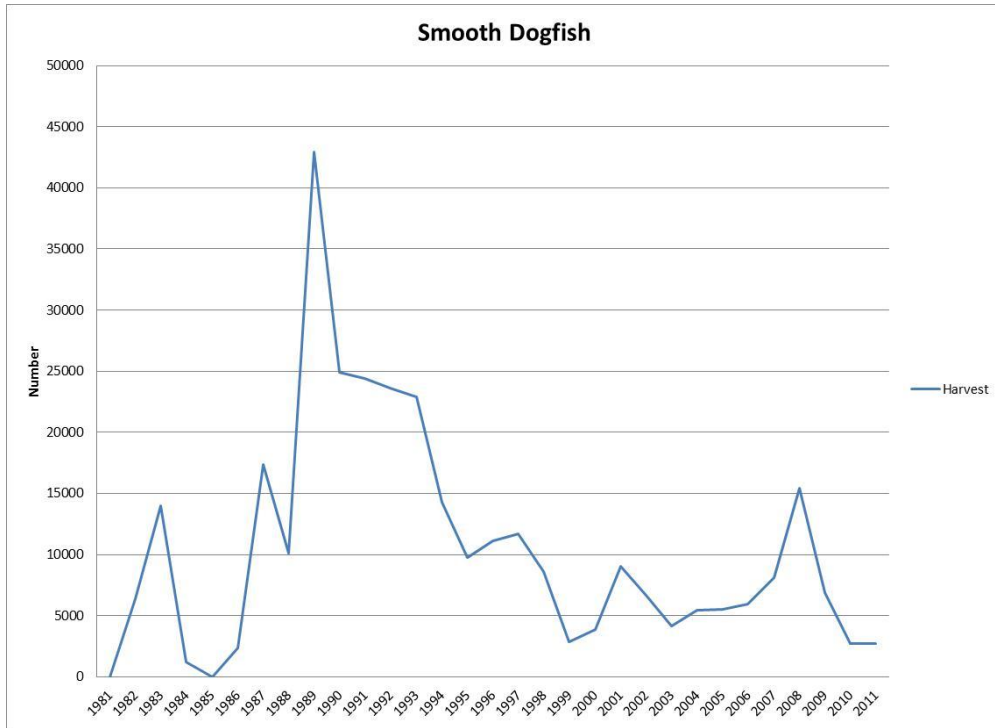


Figure 11. Recreational harvest of Smooth dogfish in Delaware from 1981 to 2011.

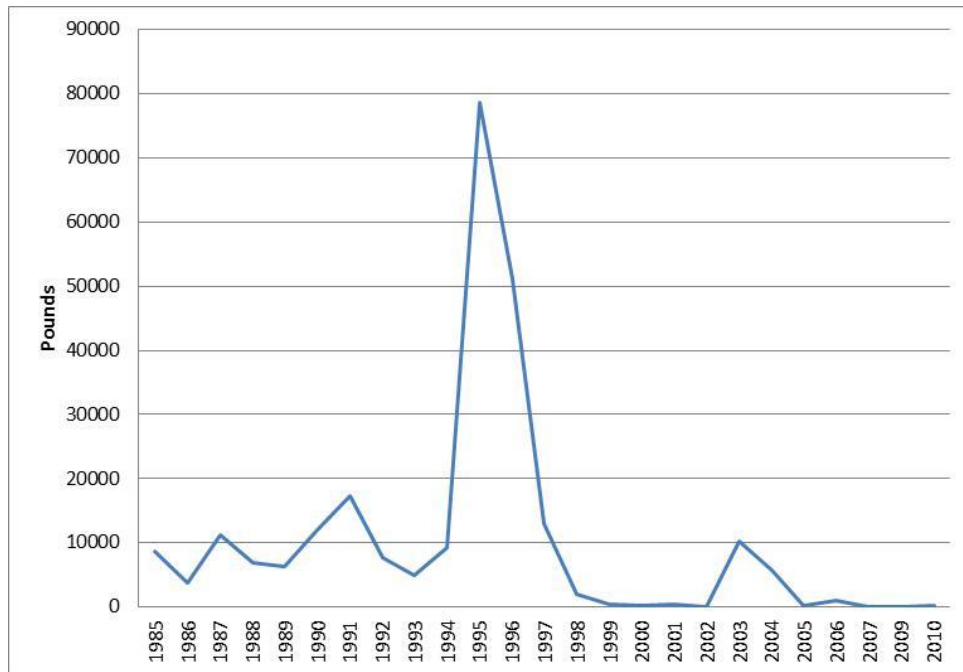


Figure 12. Commercial harvest of All Sharks excluding smooth dogfish in Delaware from 1985 to 2011.

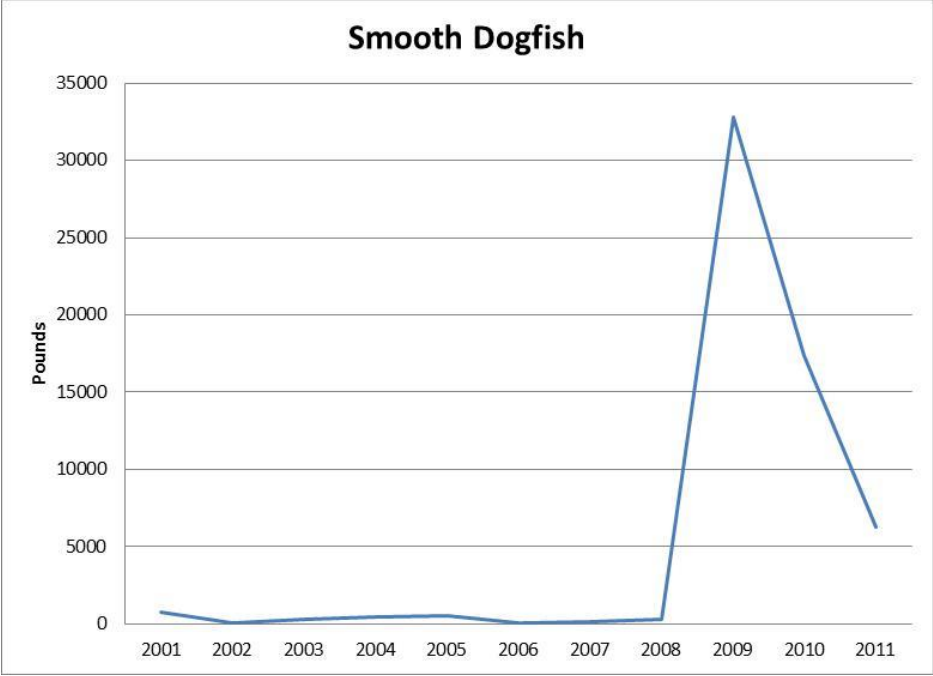


Figure 13. Commercial harvest of smooth dogfish in Delaware from 1985 to 2011.

Maryland's 2011 Atlantic Coastal Sharks Compliance Report to the Atlantic States Marine Fisheries Commission

I. Introduction

The Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks was implemented in August 2008. The five objectives of that FMP include:

- reduce fishing mortality to rebuild stock biomass, prevent stock collapse, and support a sustainable fishery;
- protect essential habitat areas such as nurseries and pupping grounds to protect sharks during particularly vulnerable stages in their life cycle;
- coordinate management activities between state and federal waters to promote complementary regulations throughout the species range;
- obtain biological and improved fishery related data to increase understanding of state water shark fisheries; and
- minimize endangered species bycatch in shark fisheries.

Maryland implemented the management measures outlined in the ASMFC FMP in January 2009.

Addendum I (September 2009) has two commercial and one recreational provision. Commercial changes included limited processing of smooth dogfish at sea and removing the two hour net check requirement associated with large mesh gillnets. Possession limits for smooth dogfish were eliminated for recreational anglers.

II. Request for *De Minimis*

No *de minimis* status requested.

III. Previous Year's Fishery and Management Program

A. Fishery Dependent Monitoring

There was no specific at sea sampling program for Atlantic coastal sharks in Maryland. Limited biological sampling of commercial catch onboard commercial offshore trawlers does occur. On August 17, 2011, September 27, 2011, and October 11, 2011, 12 Smooth Dogfish (*Mustelus canis*) were encountered in four bottom trawls offshore of Ocean City, MD that were targeting horseshoe crabs. The vessel was rigged with a 27.4 m (90 foot) bottom trawl with a 15.24 cm (6 inch) mesh body, with a 15.24 cm (6 inches) cod end. Twelve smooth dogfish were measured and sexed. The minimum size was 398 mm and the maximum size was 730 mm. Average length was 522 mm (± 22). There were seven males, four females, and one unknown. It is unknown if these fish were kept or released.

Two Atlantic Angel Sharks (*Squatina dumeril*) were measured and released on July 7, 2011 and August 17, 2011. The vessel was rigged with a 27.4 m (90 foot) bottom trawl with a 15.24 cm (6 inch) mesh body, with a 15.24 cm (6 inches) cod end. Two Atlantic Angel Sharks were measured and zero sharks were sexed. The minimum size was 1200 mm and the maximum size was 1300 mm.

B. Fishery Independent Monitoring

No fishery independent monitoring for Atlantic coastal sharks was conducted in Maryland state waters. One 588 mm male smooth dogfish was captured during the Coastal Bays Fisheries Investigation (CBFI) monthly trawls on May 19, 2011. Additionally, one 600 mm female sandbar shark was captured during the CBFI monthly trawls on July 18, 2011 in a tributary to Newport Bay. This was only the third sandbar shark captured since the survey began in 1972.

C. Previous Year's Fishery and Management Program

Code of Maryland Regulations (COMAR) pertaining to sharks are within Chapter 08.02.22.00 in sections 08.02.22.01, 08.02.22.02, 08.02.22.03, and 08.02.22.04.

08.02.22.01 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.01.htm>

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Circle hook" means a nonoffset hook with the point turned perpendicularly back to the shank.
- (2) "Eviscerate" means to remove the digestive organs of a shark, excluding the head.
- (3) "Finning" means removing only the fins of a shark.
- (4) "Fork length" means that length measured in a straight line from the tip of the nose of the shark to the center of the fork of the tail of the shark.
- (5) "Handline" means a mainline to which not more than two gangions or hooks are attached.
- (6) "Landing" means:
 - (a) The unloading of any fish at a dock or shore by a commercial fisherman; or
 - (b) The bringing of any fish to a dock, pier, or shore by a recreational fisherman for personal use.
- (7) "Large mesh gillnet" means a gillnet having a stretch mesh size equal to or greater than 5 inches.
- (8) "Recreational angler" means any fisherman who catches sharks for personal use.
- (9) "Shore-angler" means any person engaged in any type of fishing that does not take place on board a vessel.
- (10) "Shortline" means a fishing line containing 50 or fewer hooks and measuring less than 500 yards in length.
- (11) "Small mesh gillnet" mean a gillnet having a stretch mesh size smaller than 5 inches.
- (12) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water except for nondisplacement craft and seaplanes.
- (13) "Vessel-fishing" means any fishing conducted from a vessel.

08.02.22.02 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.02.htm>

.02 Recreational Shark Fishery.

A. Authorized Shark Species. A recreational angler may harvest only the following species:

- (1) Smooth Dogfish (*Mustelus canis*);
- (2) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
- (3) Finetooth (*Carcharhinus isodon*);

- (4) Blacknose (*Carcharhinus acronotus*);
- (5) Bonnethead (*Sphyrna tiburo*);
- (6) Tiger (*Galeocerdo cuvier*);
- (7) Blacktip (*Carcharhinus limbatus*);
- (8) Spinner (*Carcharhinus brevipinna*);
- (9) Bull (*Carcharhinus leucas*);
- (10) Lemon (*Negaprion brevirostris*);
- (11) Nurse (*Ginglymostoma cirratum*);
- (12) Scalloped hammerhead (*Sphyrna lewini*);
- (13) Great hammerhead (*Sphyrna mokarran*);
- (14) Smooth hammerhead (*Sphyrna zygaena*);
- (15) Shortfin mako (*Isurus oxyrinchus*);
- (16) Porbeagle (*Lamna nasus*);
- (17) Common thresher (*Alopias vulpinus*);
- (18) Oceanic whitetip (*Carcharhinus longimanus*); and
- (19) Blue (*Prionace glauca*).

B. Season Closure. A recreational angler may not harvest, possess, or transport the species listed in §A(6)—(14) of this regulation from May 15 through July 15, inclusive, regardless of where the shark was caught.

C. Size Limits.

- (1) There is no minimum fork length for the species listed in §A(1)—(5) of this regulation.
- (2) The minimum fork length is 4.5 feet (54 inches) for the species listed in §A(6)—(19) of this regulation.

D. Catch Limits.

(1) Shore-Angler Catch Limits. Each calendar day, a recreational shore-angler may harvest:

- (a) Only one shark, regardless of the species, from the list in §A of this regulation;
- (b) One additional Smooth Dogfish (*Mustelus canis*);
- (c) One additional Atlantic sharpnose (*Rhizoprionodon terraenovae*); and
- (d) One additional Bonnethead (*Sphyrna tiburo*).

(2) Vessel-Fishing Catch Limits.

(a) A recreational fishing vessel may not harvest more than one shark, per trip, from the list in §A of this regulation, regardless of the:

- (i) Species of shark; and
 - (ii) Number of people on board the vessel.
- (b) In addition to the vessel limit described in §D(2)(a) of this regulation, each recreational angler fishing from a vessel may harvest, per trip:
- (i) One Smooth Dogfish (*Mustelus canis*);
 - (ii) One Atlantic sharpnose (*Rhizoprionodon terraenovae*); and
 - (iii) One Bonnethead (*Sphyrna tiburo*).

E. Gear. A recreational angler may catch sharks using only:

- (1) Handlines retrieved by hand, not by mechanical means; or
- (2) Rod and reel.

F. General.

- (1) A recreational angler may not sell, barter, or trade sharks or shark pieces.

(2) When aboard a vessel, a recreational angler is bound by the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of the location where the shark was caught.

(3) A shark that is transported by a vessel is considered "boat assisted" and is regulated under the more restrictive vessel-fishing possession limits described in §D(2) of this regulation, regardless of where it was caught.

(4) All sharks harvested by a recreational angler shall have heads, tails, and fins attached naturally to the carcass through landing.

08.02.22.03 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.03.htm>

.03 Commercial Fishery.

A. Shark Groups.

(1) Prohibited Species. The species of shark in the prohibited group are:

- (a) Sand tiger (*Carcharias taurus*);
- (b) Bigeye sand tiger (*Odontaspis noronhai*);
- (c) Whale (*Rhincodon typus*);
- (d) Basking (*Cetorhinus maximus*);
- (e) White (*Carcharodon carcharias*);
- (f) Dusky (*Carcharhinus obscurus*);
- (g) Bignose (*Carcharhinus altimus*);
- (h) Galapagos (*Carcharhinus galapagensis*);
- (i) Night (*Carcharhinus signatus*);
- (j) Reef (*Carcharhinus perezii*);
- (k) Narrowtooth (*Carcharhinus brachyurus*);
- (l) Caribbean sharpnose (*Rhizoprionodon porosus*);
- (m) Smalltail (*Carcharhinus porosus*);
- (n) Atlantic angel (*Squatina dumeril*);
- (o) Longfin mako (*Isurus paucus*);
- (p) Bigeye thresher (*Alopias superciliosus*);
- (q) Sharpnose sevengill (*Heptranchias perlo*);
- (r) Bluntnose sixgill (*Hexanchus griseus*); and
- (s) Bigeye sixgill (*Hexanchus nakamurai*).

(2) Research. The species of shark in the research group is Sandbar (*Carcharhinus plumbeus*).

(3) Smooth Dogfish. The species of shark in the smooth dogfish group is Smooth Dogfish (*Mustelus canis*).

(4) Small Coastal. The species of shark in the small coastal group are:

- (a) Atlantic sharpnose (*Rhizoprionodon terraenovae*);
- (b) Finetooth (*Carcharhinus isodon*);
- (c) Blacknose (*Carcharhinus acronotus*); and
- (d) Bonnethead (*Sphyrna tiburo*).

(5) Nonsandbar Large Coastal. The species of shark in the nonsandbar large coastal group are:

- (a) Silky (*Carcharhinus falciformis*);
- (b) Tiger (*Galeocerdo cuvier*);
- (c) Blacktip (*Carcharhinus limbatus*);

- (d) Spinner (*Carcharhinus brevipinna*);
 - (e) Bull (*Carcharhinus leucas*);
 - (f) Lemon (*Negaprion brevirostris*);
 - (g) Nurse (*Ginglymostoma cirratum*);
 - (h) Scalloped hammerhead (*Sphyrna lewini*);
 - (i) Great hammerhead (*Sphyrna mokarran*); and
 - (j) Smooth hammerhead (*Sphyrna zygaena*).
- (6) Pelagic. The species of shark in the pelagic group are:
- (a) Shortfin mako (*Isurus oxyrinchus*);
 - (b) Porbeagle (*Lamna nasus*);
 - (c) Common thresher (*Alopias vulpinus*);
 - (d) Oceanic whitetip (*Carcharhinus longimanus*); and
 - (e) Blue (*Prionace glauca*).

B. Season.

- (1) Closure. During the period of May 15—July 15, inclusive, an individual may not:
- (a) Harvest the species listed in §A(5) of this regulation from State waters; or
 - (b) Transport the species listed in §A(5) of this regulation in State waters, unless the shark was harvested from federal waters provided:
 - (i) The vessel does not engage in fishing within the closed area while possessing the species listed in §A(5) of this regulation;
 - (ii) The sharks possessed were not caught in the closed area; and
 - (iii) All fishing gear is stowed as described in §D(4) of this regulation and not available for immediate use.
- (2) A person may not harvest, possess, or land sharks for commercial purposes in State waters when the National Oceanic and Atmospheric Administration closes the fishery in federal waters for any species listed in §A of this regulation.

C. Catch Limits.

- (1) Prohibited and Research Shark Groups. A commercial tidal fish licensee may not harvest, possess, or land any species listed in §A(1) and (2) of this regulation without a scientific collection permit issued in accordance with Natural Resources Article, §4-212, Annotated Code of Maryland.
- (2) Smooth Dogfish, Small Coastal, and Pelagic Shark Groups. There is no creel or possession limit for the species listed in §A(3), (4), and (6) of this regulation.
- (3) Nonsandbar Large Coastal Shark Group. A commercial tidal fish licensee may not harvest, possess, or land more than 33 sharks, regardless of the species, from the list in §A(5) of this regulation.
- (4) Vessels are prohibited from landing more than the specified number in one 24-hour period.

D. Gear.

- (1) The following gear types are the only gear authorized for use by a commercial tidal fish licensee to catch sharks in State waters:
- (a) Rod and reel;
 - (b) Handline, which shall be:
 - (i) Retrieved by hand, not by mechanical means; and
 - (ii) Attached to, or in contact with, a vessel;
 - (c) Small mesh gillnet;

- (d) Large mesh gillnet, which shall be:
 - (i) Shorter than 2.5 kilometers; and
 - (ii) Checked once every 2 hours;
- (e) Trawl net;
- (f) Shortline;
- (g) Pound net; and
- (h) Weir.
- (2) A maximum of two shortlines are allowed per vessel.
- (3) Any vessel using a shortline shall:
 - (a) Use corrodible circle hooks;
 - (b) Practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other nontarget species; and
 - (c) Have all captains and vessel owners federally certified in using handling and release equipment.
- (4) Methods of Stowing Gear.
 - (a) On Reel.
 - (i) The net shall be on a reel, its entire surface covered with canvas or other similar opaque material, and the canvas or other material securely bound.
 - (ii) The towing wires shall be detached from the doors.
 - (iii) A containment rope, codend tripping device, or other mechanism to close off the codend may not be attached to the codend.
 - (b) Hook Gear.
 - (i) All anchors and buoys shall be secured.
 - (ii) All hook gear, including jigging machines, shall be covered.
 - (c) Sink Gillnet Gear.
 - (i) All nets shall be covered with canvas or other similar material and lashed or otherwise securely fastened to the deck or rail.
 - (ii) All buoys larger than 6 inches (15.24 centimeters) in diameter, high flyers, and anchors shall be disconnected.

E. General.

- (1) A person shall be authorized in accordance with Natural Resources Article, §4-701, Annotated Code of Maryland, in order to harvest sharks for commercial purposes.
- (2) A federal commercial shark dealer permit is required to buy and sell any shark harvested from State waters.
- (3) All sharks harvested in accordance with this chapter shall have the tails and fins attached naturally to the carcass through landing.
- (4) Sharks harvested in accordance with this chapter may have the heads removed.

08.02.22.04 <http://www.dsd.state.md.us/comar/comarhtml/08/08.02.22.04.htm>

.04 General.

A. Filleting and Finning.

- (1) Sharks harvested in accordance with this chapter may be eviscerated as long as the tail is not removed.
- (2) Sharks may not be filleted or cut into pieces at sea.
- (3) Finning is prohibited.

B. Public Notice.

(1) The Secretary may modify size limits, catch limits, gear provisions, and shark species lists, or open, close, or modify a season, by publishing notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.

(2) The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

C. Spiny Dogfish. The provisions of this chapter do not apply to spiny dogfish (*Squalus acanthias*). Spiny dogfish (*Squalus acanthias*) may be harvested in accordance with COMAR 08.02.05.24.

D. Harvest by Gear Type

1. Commercial Landings

Preliminary total Maryland commercial harvest from January through December 2011 was 408,800 lbs (Table 1). No discard estimates are available for sharks. Highest landings occurred in May and were 98% Smooth Dogfish. An unknown gear and gill net were the dominant gears reported with landings in May, 68% and 32%, respectively.

Smooth dogfish accounted for 96% of the overall 2011 landings. Most sharks, 55%, were reported caught an unknown distance from shore, 39% in state waters, and six percent in federal waters. State water harvest was 158,393 pounds and was comprised mostly of Smooth Dogfish with small quantities of Black Tip, and Sand Tiger Sharks caught using otter trawl and gill nets.

Two prohibited species appear in the 2011 landings for combined total landings of 299 pounds. Preliminary review of those landing reports indicated that they are most likely Smooth Dogfish which were miscoded because of common name confusion.

2. Recreational Landings

Maryland recreational landings from the National Marine Fisheries Service (NMFS) Marine Recreational Fisheries Statistics Survey website (www.st.nmfs.noaa.gov/st1/recreational/queries/index.html) reported a final total catch estimate of 322 (PSE \pm 79.5) fish of Atlantic Sharpnose (*R. terraenovae*) sharks from January 2011 through December 2011 for Maryland. All of those sharks were released alive in Federal waters by private or rental boats. Weights were not available. Data were not available for other sharks applicable to this plan from that website.

E. Progress in Implementing Habitat Recommendations

Not applicable.

IV. Planned Management Programs for the Current Year (2012)

Summary of Regulations that will be in Effect

The same regulations listed in section, Previous Year's Fishery and Management Program, will be in effect for 2012.

A. Summary of Monitoring Programs that will be in Effect

Sharks will be counted and measured for total length when present in the catch during limited biological sampling at sea.

B. Highlights of Changes from the Previous Year

There were no changes from the previous year.

V. Plan Specific Requirements

a. The Number of Sharks Taken for Display and Research (*Section 4.3.8.2*) in the Previous Fishing Year

The State of Maryland issued one Scientific Collection Permit (SCP) in 2011. Fifteen sharks were collected under this permit (Table 2). Additionally, one sandbar and three sand tiger sharks were released alive.

i. The Weight, Species, Location Caught, and the Gear Type Used for Each Shark Collected for Research and Display Purposes

Four sandbar sharks and 11 sand tiger sharks were captured in August 2011 and distributed to four aquariums and one holding facility.

b. The Number of EFP Issued for the Previous Fishing Year

National Marine Fisheries Service issued one EFP that was used in conjunction with a MD SCP in 2011.

c. The Status of any Shark Taken for Display Purposes Each Year Through the Life of the Shark

Section 4.3.8.2 became effective in January 2010. There were no sharks to report for 2010.

VI. Law Enforcement Requirements

None



COMMONWEALTH of VIRGINIA

Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

July 26, 2012

MEMORANDUM

TO: Chris Vonderweidt, Spiny Dogfish Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission

FROM: Lewis S. Gillingham, Director Virginia Saltwater Fishing Tournament, Fisheries
Management Division *Virginia Marine Resources Commission*

SUBJECT: Virginia's 2012 Compliance Report for Coastal Sharks

The attached document describes Virginia's Coastal Shark landings and management program for the 2011 fishing year and planned management program for 2012.

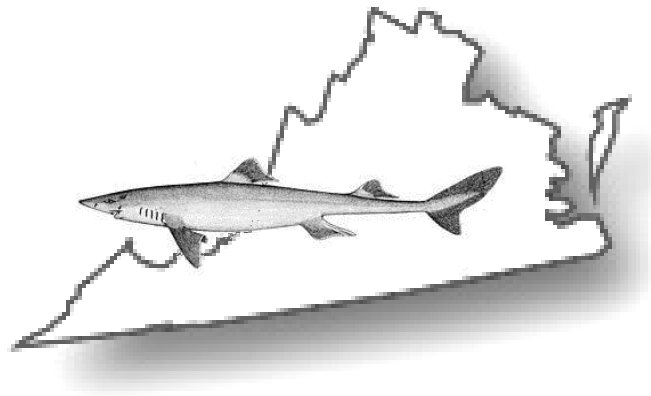
Please contact me at 1-757-247-8013 if you need additional information regarding this report.

LSG

attachment

Annual Compliance Report
to the
Atlantic States Marine Fisheries Commission

**Coastal Shark Fisheries and Management
in
Virginia
Review of 2011 Fishing Season and Planned
Management Program for 2012**



Prepared by:
Lewis S. Gillingham
Virginia Marine Resources Commission

AUGUST 2012

COASTAL SHARKS COMPLIANCE REPORT

I. Introduction

Commercial fishermen landed 342,319 pounds of sharks in Virginia worth \$162,033 from the Coastal Shark Management group in 2011. Smooth dogfish (83.2% of the pounds and 68.7% of the value), finetooth shark (4.6% of the pounds and 15.8% of the value) and blacktip shark (6.9% of the pounds and 7.6% of the value) comprised over 90% of pounds and value.

Virginia's recreational harvest (Type A+B1) of sharks in the Coastal Shark Management group in 2011 was limited to two species (bull shark and smooth dogfish). No weights or lengths were obtained for bull shark, as observed harvest is rare for any of the Large Coastal species. Note that recreational fishery statistics estimated for Virginia's recreational shark fishery have been associated with very high levels of proportional standard error (PSE), resulting from the limited numbers of shark available for sampling from anglers. Additionally misidentification remains a significant source of error and one that is not reflected by elevated PSE's.

II. Request for *de minimis*, where applicable

The Commonwealth of Virginia does not wish to apply for *de minimis* status.

III. Previous calendar year's fishery and management program

A. Activity and results of fishery-dependent monitoring (provide general results and references to technical documentation).

1. Commercial

There are currently no fishery-dependent sampling programs in Virginia that target coastal sharks for collection from the commercial fishery.

2. Recreational

The intercept component of the MRIP program interviews anglers to collect demographic information and individual catch data. The raw intercept files demonstrate few shark species from the Coastal Management group are encountered during surveys of anglers intercepted in Virginia.

B. Activity and results of fishery-independent monitoring (provide general results and references to technical documentation).

The VIMS Shark Research Program began in 1973 and is one of the longest running longline surveys in the world. The program has provided data on habitat utilization, age, growth, reproduction, trophic interactions, basic demographics, and relative abundance for dominant shark species. Cruise times have been variable over the years, but generally sampling has occurred monthly from May-October. The survey utilizes a fixed station design with nine core sampling locations, although additional auxiliary locations have been sampled frequently over the years.

The NMFS is the current funding source. Reports are submitted semiannually on June 30 and December 31, as specified by NMFS. For more information contact: Robert J. Latour, Associate Professor, Virginia Institute of Marine Science, College of William & Mary, P.O. Box 1346, Gloucester Point, VA 23062.

- C. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Copies of Chapter 4 VAC 20-490-10 et seq., “Pertaining to Sharks”, and Chapter 4 VAC 20-610-10 et seq., “Pertaining to Commercial Fishing and Mandatory Reporting” that were in effect for the 2011 fishing year are provided in Appendix A and B.

1. Commercial

All vessels landing seafood in Virginia for commercial purposes must possess a Seafood Landing License, unless the vessel owner possesses a current Virginia Commercial Fisherman Registration License. All registered commercial fishermen and holders of seafood landing licenses are required to report daily harvest from Virginia tidal waters, and landings to Virginia from federal waters to the VMRC on a monthly basis, with reports due on the fifth day of the following month. All licensed seafood buyers are required to use a certified scale for determining the weight of fish, shellfish, or marine organisms that are regulated by a harvest weight limit or quota, possession weight limit, or landing weight limit. Location and reference to specific compliance criteria contained in 4 VAC 20-490-10 et seq., “Pertaining to Sharks” and 4 VAC 20-610-10 et seq., “Pertaining to Commercial Fishing and Mandatory Harvest Reporting” can be found in Table I.

2. Recreational

The Commonwealth of Virginia requires a license to take or catch marine species for recreational purposes in tidal waters. Location and reference to specific compliance criteria contained in 4 VAC 20-490-10 et seq., “Pertaining to Sharks” can be found in Table I.

- D. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).

1. Commercial

Commercial landings data characterizing harvest from state waters were obtained through the VMRC mandatory reporting database and information on landings from federal waters is provided by the NMFS. Virginia’s Commercial landings and value of Atlantic Coastal Sharks for 2011 is located in Table II.

2. Recreational

In 2011, the MRIP estimated that 8,198 smooth dogfish and 698 bull sharks were landed (Type A+B1) in Virginia by recreational anglers (Table III).

IV. Planned management programs for the current calendar year

A. Summarize regulations that will be in effect (copy of current regulations if different from III c).

1. Commercial

Regulations governing license and reporting requirements for the landing of seafood in Virginia, by commercial vessels, will continue to be in effect in 2012.

Recreational

Virginia anglers will continue to be required to possess a license to take or catch finfish for recreational purposes in 2012. Virginia anglers that are exempt from possessing a license and are 16 years of age or older are required to register with the Virginia Fisherman Identification Program.

B. Summarize monitoring programs that will be performed.

Commercial harvest and landings of Atlantic coastal sharks in Virginia will continue to be monitored through the VMRC mandatory reporting system. The MRIP program will continue to serve as the primary source of recreational fisheries statistics for Virginia. The MRIP intercept interview and headboat survey records will be processed to summarize any shark catch and harvest from the Coastal Shark Management group observed and sampled from Virginia's marine recreational fisheries in 2012.

C. Highlight any changes from the previous year.

No changes regulatory changes have occurred since March 2010.

V. Plan Specific Requirements

A. Indicate the number of Research or Display fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e., species, sex, when and how the Atlantic Coastal Shark were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

No Research or Display exempted fishing permits were issued or requested in 2011. Staff has received two requests as of August 1 for 2012 and the results will be provided in next year's report.

VI. References

- ASMFC (Atlantic States Marine Fisheries Commission). 2008. Interstate Fishery Management Plan for Atlantic Coastal Sharks. ASMFC, Fishery Management Report No. 40, Washington, D.C. 128 pp.
- _____. 2009. Addendum I to the Interstate Fishery Management Plan for Atlantic Coastal Sharks. ASMFC, Washington, D.C. 13 pp.

Table I. Location and reference to specific compliance criteria contained in 4 VAC 20-490-10 et seq., “Pertaining to Sharks” and 4 VAC 20-610-10 et seq., “Pertaining to Commercial Fishing and Mandatory Harvest Reporting”.

ASMFC ACS Plan	VMRC Regulation 4 VAC 20-490-10 et seq.	Explanation *
Recreational	Applicable sections of regulation	
<i>4.2.1 Recreational Seasonal Closure</i>	20-490-40E	Establishes a May 15 through July 15 seasonal closure for 9 species
<i>4.2.2 Recreationally Permitted Species</i>	20-490-20;20-490-40-A,B,C and D	Defines Recreationally Permitted Species and exempts certain species from the size limit
<i>4.2.3 Landings Requirements</i>	20-490-40F	Requires all sharks landed must have head and fins attached
<i>4.2.4 Recreational Minimum Size Limits</i>	20-490-40D	Establishes 54-inch minimum size
<i>4.2.5 Authorized Recreational Gear</i>	20-490-30D	Defines permitted gear as handline or rod and reel only
<i>4.2.7.1 Recreational Shore-Angler Possession limit</i>	20-490-40B	Establishes a shore angler possession limit
<i>4.2.7.2 Recreational Vessel-Fishing Possession Limit</i>	20-490-40A	Establishes a vessel possession Limit
Commercial	Applicable sections of regulation	
<i>4.3.1 Commercial Fishing Year</i>	20-490-41D	State waters close once NOAA closes federal waters
<i>4.3.2 Commercial Seasonal Closure</i>	20-490-41F	Establishes May 15 through July 15 seasonal closure for 10 species
<i>4.3.3.1 Prohibited and Research Species Groups</i>	20-490-20; 20-490-41G and I	Defines Prohibited and Research species groups
<i>4.3.3.2 Commercial Species Groupings</i>	20-490-20	Defines Commercially Permitted Non-Sandbar, Pelagic and Small Coastal shark groups
<i>4.3.4 Quota Specification</i>	20-490-41D	State waters close once NOAA closes federal waters

4.3.5 Seasons	N/A	Should the ASMFC split the annual quota for any species group the VMRC has the regulatory ability to adapt within 60 days
ASMFC ACS Plan	VMRC Regulation 4 VAC 20-490-10 et seq.	Explanation *
4.3.6 Possession Limits	20-490-41A and D	Establishes a 33 non-sandbar LCS possession limit; State waters close when federal waters close
4.3.8.1 Commercial Permit	4VAC 20-610-10 et eq; 20-490-20; 20-490-30E	Harvester registration and gear license required; defines commercial shark fishermen; only shark caught by permitted commercial gear
4.3.8.2 Display and Research Permit	20-490-41I	Establishes research and display permits; describes special reporting requirements
4.3.8.3 Dealer Permit	20-490-41H	All shark must be sold to a federally permitted dealer
4.3.9 Authorized Commercial Gear	20-490-20; 20-490-30A, B and C	Defines permitted gear and shark shortline; Establishes amount of authorized gear
4.3.10 Bycatch Reduction Measures	20-490-20; 20-490-30B; Code of Virginia	Defines large and small mesh gill nets; establishes by-catch reduction measures for sea turtles; maximum length of any gear 1200 feet
4.3.11 Finning and Identification	20-490-41C and H, 20-490-50, 20-610-60E	Allows processing at-sea of smooth dogfish except dorsal fin shall remain attached through landing during the period of July 1 to the end of February; Must sell to a federal dealer; finning illegal; Harvester required to report by species
4.4.3 De Minimis	N/A	

* Specific regulatory language can be found in attached Regulations 4VAC 20-490-ET SEQ. "Pertaining to Sharks," and 4VAC 20-610-10 ET SEQ. "Pertaining to Commercial Fishing and Mandatory Harvest Reporting"

Table II. Virginia 2011 commercial harvest of shark by species in pounds and value of shark.

Common Name	Pounds	Value
Smooth Dogfish	284,911	\$111,422
Thresher Bigeye	97	\$46
Thresher	9,854	\$4,236
Shortfin Mako	1,567	\$2,254
Black Tip	23,676	\$12,350
Blue	28	\$10
Finetooth	15,606	\$25,565
**Shark Combined	6,580	\$6,150
TOTAL	342,319	\$162,033

*not actual price received by harvester per pound, but value is calculated using a dockside survey sent to dealers in Virginia, and therefore the listed value is an average of the prices received from that survey.

**Shark Combined category includes Atlantic sharpnose shark, bull shark and silky shark landings. These landings were combined due to confidentiality requirements.

TABLE III. Estimated 2011 total recreational harvest for Virginia in numbers (Type A + B1) of shark from the Coastal Shark Management group.

Common Name	Numbers of Shark	Proportional Standard Error (PSE)
Smooth Dogfish	8,198	92.1
Bull Shark	698	95.7

*misidentification remains a significant source of error and one that is not reflected by elevated PSE's.

APPENDIX A. Copy of the Virginia Marine Resources Commission’s regulation for the fishing of sharks (including spiny dogfish) that was in effect for the 2011 fishing year.

**VIRGINIA MARINE RESOURCES COMMISSION
"PERTAINING TO SHARKS"
CHAPTER 4 VAC 20-490-10 ET SEQ.
PREAMBLE**

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated April 27, 2010 and made effective on May 1, 2010. The effective date of this chapter, as amended, is July 1, 2011.

4VAC20-490-10. PURPOSE.

The purpose of this chapter is to ensure the conservation of shark resources by preventing overfishing by commercial and recreational fisheries and to control the practice of finning.

4VAC20-490-20. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman’s gear or sell that commercial fisherman’s harvest.

"*Carcass length*" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation lines, as specified in Coastal Pilot, 35th and 36th editions by Lighthouse Press.

“*Commercial shark fisherman*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“Commercially permitted nonsandbar large coastal shark” means any of the following species:

Blacktip, *Carcharhinus limbatus*
Bull, *Carcharhinus leucas*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Scalloped hammerhead, *Sphyrna lewini*
Silky, *Carcharhinus falciformis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Shortfin mako, *Isurus oxyrinchus*
Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sevengill, *Heptranchias perlo*

Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

“*Control rule*” means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

“*Dressed weight*” means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

“*Finning*” means removing the fins and returning the remainder of the shark to the sea.

“*Fork length*” means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

“*Movable gill net*” means any gill net other than a staked gill net.

“*Large mesh gill net*” means any gill net having a stretched mesh equal to or greater than 5 inches.

“*Longline*” means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

“*Permitted commercial gear*” means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

“*Recreational shore angler*” means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

“*Recreational vessel angler*” means a person fishing from a vessel or transported to or from a fishing location by a vessel.

“*Recreationally permitted shark*” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Blacktip, *Carcharhinus limbatus*
Blue, *Prionace glauca*
Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*
Finetooth, *Carcharhinus isodon*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Scalloped hammerhead, *Sphyrna lewini*
Shortfin mako, *Isurus oxyrinchus*
Smooth Dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

“Recreationally prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

“Research only shark” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“Shark shortline” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“*Small mesh gill net*” means any gill net having a stretched mesh less than 5 inches.

“*Smooth Dogfish*” means any shark of the species *Mustelus canis*.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

4VAC20-490-30. GEAR RESTRICTIONS.

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

4VAC20-490-35. [Repealed]

4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or

container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.
- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

- C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.
- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.
- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.
- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
- 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
 - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.
- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.
- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.
- I. The Commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the Commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.

- A. For the 12-month period of May 1, 2011, through April 30, 2012, the spiny dogfish commercial landings quota shall be limited to 2,148,224 pounds.
- B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters, for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.
- C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia more than 3,000 pounds of spiny dogfish per day for commercial purposes.
- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

4VAC20-490-43. LIMITED ACCESS CONTROL RULE.

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the following criteria:
 - 1. Shall have documented on Virginia mandatory harvest reporting forms harvest from a legally licensed, movable gill net for an average of at least 60 days from 2006 through 2008, and a minimum harvest of 1 pound of spiny dogfish at any time from 2006 through 2008.

2. Shall have documented on Virginia mandatory reporting forms harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008.
 3. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February, 2006 through 2008, shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions 1 and 2 of this subsection.
- B. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- C. The use of agents in the spiny dogfish fishery is prohibited.
- D. The Commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection B of this section to any individual who meets any of the following criteria:
1. Demonstrates a significant hardship on the basis of health and provides the Commissioner documentation, by an attending Physician, of the medical condition.
 2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the Commissioner an explanation, in writing, and copy of the military orders for active duty.
 3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

4VAC20-490-45. [Repealed]

4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.

- A. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.
- B. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording

system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

4VAC20-490-47. CONTROL DATE

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

4VAC20-490-50. FINNING.

It shall be unlawful for any person to engage in finning.

4VAC20-490-60. [Repealed]

4VAC20-490-70. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

APPENDIX B. Copy of the Virginia Marine Resources Commission’s regulation “Pertaining to Commercial Fishing and Mandatory Harvest Reporting” that was in effect for the 2011 fishing year.

**VIRGINIA MARINE RESOURCES COMMISSION
"PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING"
CHAPTER 4VAC20-610-10 ET SEQ.**

PREAMBLE

This chapter describes the procedures and manner for application for registration as a commercial fisherman, the manner and form of mandatory harvest reports by commercial fishermen and others, and exceptions to the registration process and delay requirements as specified in § 28.2-241 of the Code of Virginia. A commercial hook-and-line license is also established.

This chapter is promulgated pursuant to authority contained in §§ 28.2-201, 28.2-204, 28.2-242, and 28.2-243 of the Code of Virginia. This chapter amends and readopts, as amended, previous Chapter 4VAC20-610-10 et seq. which was promulgated October 27, 2009 and made effective on November 1, 2009. The effective date of this chapter, as amended, is January 1, 2010.

4VAC20-610-10. Purpose.

The purpose of this chapter is to establish the procedures for the registration of commercial fishermen and the manner and form of mandatory harvest reports from fishermen and others. Further, the purpose is to license commercial fishermen using hook-and-line, rod-and-reel, or hand line.

4VAC20-610-20. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

“Agent” means any person who possesses the commercial fisherman registration license, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman’s harvest.

"Clam aquaculture product owner" means any person or firm that owns clams on leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters that are raised by any form of aquaculture. This does not include any riparian shellfish gardeners whose activities are authorized by 4VAC20-336.

"Commission" means the Marine Resources Commission.

"Commissioner" means the Commissioner of the Marine Resources Commission.

"Continuing business enterprise" means any business that is required to have a Virginia Seafood Buyer's License or is required to have a business license by county, city or local ordinance.

"Oyster aquaculture product owner" means any person or firm that owns oysters on leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters that are raised by any form of aquaculture. This does not include any riparian shellfish gardeners whose activities are authorized by 4VAC20-336.

"Sale" means sale, trade, or barter.

"Sell" means sell, trade, or barter.

"Selling" means selling, trading or bartering.

"Sold" means sold, traded, or bartered.

4VAC20-610-25. Oyster and clam aquaculture permit requirements.

A. For the purposes of collecting oyster fisheries statistics from the Virginia aquaculture industry as authorized by §28.2-204 of the Code of Virginia, and in accordance with §28.2-613 of the Code of Virginia, which describes conditions that determine the duration of a lease, any oyster aquaculture product owner shall obtain an oyster aquaculture product owner's permit and shall report harvest of any oysters from leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters in accordance with 4VAC20-610-60.

B. For the purposes of collecting clam fisheries statistics from the Virginia aquaculture industry as authorized by §28.2-204 of the Code of Virginia, and in accordance with §28.2-613 of the Code of Virginia, which describes conditions that determine the duration of a lease, any clam aquaculture product owner shall obtain a clam aquaculture product owner's permit and shall report harvest of any clams from leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters in accordance with 4VAC20-610-60.

C. Any person who is not a permitted oyster aquaculture product owner who harvests oysters from leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters shall obtain an oyster aquaculture harvester's permit for the purposes of providing fisheries effort statistics to the commission as authorized by §28.2-204 of the Code of Virginia.

D. Any person who is not a permitted clam aquaculture product owner who harvests clams from leased, subleased or fee simple ground or on any growing area within or adjacent to Virginia tidal waters shall obtain a clam aquaculture harvester's permit for the purposes of

providing fisheries effort statistics to the commission as authorized by §28.2-204 of the Code of Virginia.

E. It shall be unlawful for any person permitted as an oyster aquaculture harvester to fail to possess that permit on his person while harvesting unless that permit is in the possession of a legally permitted oyster aquaculture product owner, and the permitted harvester is harvesting oysters of that oyster aquaculture product owner.

F. It shall be unlawful for any person permitted as a clam aquaculture harvester to fail to possess that permit on his person while harvesting unless that permit is in the possession of a legally permitted clam aquaculture product owner, and the permitted harvester is harvesting clams of that clam aquaculture product owner.

G. Minor persons younger than 18 years of age shall be exempt from the requirements to obtain an oyster aquaculture harvester's permit provided that minor person is harvesting oysters under the supervision of a legally permitted oyster aquaculture product owner.

H. Minor persons younger than 18 years of age shall be exempt from the requirements to obtain a clam aquaculture harvester's permit provided that minor person is harvesting clams under the supervision of a legally permitted clam aquaculture product owner.

4VAC20-610-30. Commercial Fisherman Registration License; exceptions and requirements of authorized agents.

A. In accordance with §28.2-241 C of the Code of Virginia, only persons who hold a valid Commercial Fisherman Registration License may sell, trade, or barter their harvest, or give their harvest to another, in order that it may be sold, traded, or bartered. Only these licensees may sell their harvests from Virginia tidal waters, regardless of the method or manner in which caught. Exceptions to the requirement to register as a commercial fisherman for selling harvest are authorized for the following persons or firms only:

1. Persons taking menhaden under the authority of licenses issued pursuant to §28.2-402 of the Code of Virginia.
2. Persons independently harvesting and selling, trading, or bartering no more than three gallons of minnows per day who are not part of, hired by, or engaged in a continuing business enterprise.
 - a. Only minnow pots, a cast net or a minnow seine less than 25 feet in length may be used by persons independently harvesting minnows.
 - b. All other marine species taken during the process of harvesting minnows shall be returned to the water immediately.

B. Requirements of authorized agents.

1. No person whose Commercial Fisherman Registration License, fishing gear license, or fishing permit is currently revoked or rescinded, by the Marine Resources

Commission, pursuant to §28.2-232 of the Code of Virginia is authorized to possess the Commercial Fisherman Registration License, fishing gear license, or fishing permit of any other registered commercial fisherman, in order to serve as an agent for fishing the commercial fisherman's gear or selling the harvest.

2. No registered commercial fisherman shall use more than one person as an agent at any time.

3. Any person serving as an agent shall possess the Commercial Fisherman Registration License and gear license of the commercial fisherman while fishing.

4. When transporting or selling a registered commercial fisherman's harvest, the agent shall possess either the Commercial Fisherman Registration License of that commercial fisherman or a bill of lading indicating that fisherman's name, address, Commercial Fisherman Registration License number, date and amount of product to be sold.

5. Any person licensed to harvest blue crabs commercially shall not be eligible to also serve as an agent.

6. Any person serving as an agent to harvest blue crabs for another licensed fisherman shall be limited to the use of only one registered commercial fisherman's crab license; however, an agent may fish multiple crab traps licensed and owned by the same person.

7. There shall be no more than one person, per vessel, serving as an agent for a commercial crab licensee.

8. Prior to using an agent in any crab fishery, the licensee shall register that person, with the Commission, and shall receive approval for use of that agent, prior to the commencement of any harvesting activity.

9. Failure to abide by any of the provisions of this section, shall constitute a violation of this regulation.

C. In accordance with §28.2-241 H of the Code of Virginia, only persons with a valid Commercial Fisherman Registration License may purchase gear licenses. Beginning with licenses for the 1993 calendar year and for all years thereafter, gear licenses will be sold only upon presentation of evidence of a valid Commercial Fisherman Registration License.

Exceptions to the prerequisite requirement are authorized for the following gears only and under the conditions described below:

1. Menhaden purse seine licenses issued pursuant to §28.2-402 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.

2. Commercial gear licenses used for recreational purposes and issued pursuant to §28.2-226.2 of the Code of Virginia may be purchased without holding a Commercial Fisherman Registration License.

D. Exceptions to the two-year delay may be granted by the commissioner if he finds any of the following:

1. The applicant for an exception (i) has demonstrated, to the satisfaction of the commissioner, that the applicant has fished a significant quantity of commercial gear in Virginia waters during at least two of the previous five years; and (ii) can demonstrate, to the satisfaction of the commissioner, that a significant hardship caused by unforeseen circumstances beyond the applicant's control has prevented the applicant from making timely application for registration. The commissioner may require the applicant to provide such documentation as he deems necessary to verify the existence of hardship.

2. The applicant is purchasing another commercial fisherman's gear, and the seller of the gear holds a Commercial Fisherman Registration License and the seller surrenders that license to the commission at the time the gear is sold.

3. An immediate member of the applicant's family, who holds a current registration, has died or is retiring from the commercial fishery and the applicant intends to continue in the fishery.

4. Any applicant denied an exception may appeal the decision to the commission. The applicant shall provide a request to appeal to the commission 30 days in advance of the meeting at which the commission will hear the request. The commission will hear requests at their March, June, September, and December meetings.

5. Under no circumstances will an exception be granted solely on the basis of economic hardship.

4VAC20-610-40. Registration procedures.

A. An applicant may renew his Commercial Fisherman Registration License by registering during the months of December through February as commercial fishermen as follows:

1. The applicant shall complete an application for a Commercial Fisherman Registration License.

2. The applicant shall mail the completed application to the Virginia Marine Resources Commission, 2600 Washington Avenue, 3rd Floor, Newport News, VA 23607.

3. The Commercial Fisherman Registration License will be returned to the applicant by mail upon validation of his application.

B. Persons desiring to enter the commercial fishery and those fishermen failing to register as provided in subdivision A may apply only during December, January or February of each year. All such applications shall be for a delayed registration and shall be made as provided below.

1. The applicant shall complete an application for a Commercial Fisherman Registration License by providing his complete name, mailing address (and 911 address if different than mailing address), social security number, birth date, weight, height, eye color, hair color, telephone number of residence, and signature.

2. The applicant shall mail the completed application to the Virginia Marine Resources Commission, 2600 Washington Avenue, Newport News, VA 23607.

3. The Commercial Fisherman Registration License will be returned to the applicant by mail two years after the date of receipt of the application by the commission. Notification of any change in the address of the applicant shall be the responsibility of the applicant.

C. No part of the Commercial Fisherman Registration License fee shall be refundable.

D. The Commercial Fisherman Registration License may be renewed annually during the months of December, January or February, only when any and all mandatory reporting harvest reports are up to date and there are no outstanding compliance issues. Any person failing to renew his license shall be subject to the delay provision of subsection B of this section.

4VAC20-610-50. Commercial hook-and-line license.

A. On or after January 1, 1993, it shall be unlawful for any person to take or harvest fish in the tidal waters of Virginia with hook-and-line, rod-and-reel, or hand line and to sell such harvest without first having purchased a Commercial Hook-and-Line License from the commission or its agent.

B. A Commercial Fisherman Registration License, as described in §28.2-241 H of the Code of Virginia, is required prior to the purchase of this license.

4VAC20-610-60. Mandatory harvest reporting.

A. It shall be unlawful for any valid commercial fisherman registration licensee, seafood landing licensee, oyster aquaculture product owner permittee, or clam aquaculture product owner permittee to fail to fully report harvests and related information as set forth in this chapter.

B. It shall be unlawful for any recreational fisherman, charter boat captain, head boat captain, commercial fishing pier operator, or owner of a private boat licensed pursuant to §§28.2-

302.7 through 28.2-302.9 of the Code of Virginia, to fail to report recreational harvests, upon request, to those authorized by the commission.

C. All registered commercial fishermen and any valid seafood landing licensee, oyster aquaculture product owner permittee, and clam aquaculture product owner permittee shall complete a daily form accurately quantifying and legibly describing that day's harvest from Virginia tidal and federal waters. The forms used to record daily harvest shall be those provided by the commission or another form approved by the commission. Registered commercial fishermen and seafood landing licensees may use more than one form when selling to more than one buyer.

D. Registered commercial fishermen, seafood landing licensees, valid oyster aquaculture product owner permittees and valid clam aquaculture product owner permittees shall submit a monthly harvest report to the commission no later than the fifth day of the following month. This report shall be accompanied by the daily harvest records described in subsection E of this section. Completed forms shall be mailed or delivered to the commission or other designated locations.

E. The monthly harvest report requirements shall be as follows:

1. Registered commercial fishermen shall be responsible for providing monthly harvest report and daily harvest records that include the name and signature of the registered commercial fisherman and his commercial fisherman's registration license number; the name and license registration number of any agent, if used; the license registration number of no more than five helpers who were not serving as agents; any buyer or private sale information; the date of any harvest; the city or county of landing that harvest; the water body fished, gear type, and amount of gear used for that harvest; the number of hours any gear was fished and the number of hours the registered commercial fisherman fished; the number of crew on board, including captain; species harvested; market category; live weight or processed weight of species harvested; and vessel identification (Coast Guard documentation number, Virginia license number, or hull/VIN number). Any information on the price paid for the harvest may be provided voluntarily.
2. The monthly harvest report and daily harvest records from oyster aquaculture product owner permittees and clam aquaculture product owner permittees shall include the name, signature, permit number, lease number, date of harvest, city or county of landing, gear (growing technique) used, weight or amount of species harvested, number of crew, and buyer or private sale information.
3. The monthly harvest report and daily harvest records from seafood landing licensees shall include the name and signature of the seafood landing licensee and his seafood landing license number; buyer or private sale information; date of harvest; city or county of landing; water body fished; gear type and amount used; number of hours gear fished; number of hours the seafood landing licensee fished; number of crew on board, including captain; nonfederally permitted species harvested; market

category; live weight or processed weight of species harvested; and vessel identification (Coast Guard documentation number, Virginia license number, or hull/VIN number).

F. Registered commercial fishermen, oyster aquaculture product owner permittees and clam aquaculture product owner permittees not fishing during a month, or seafood landing licensees not landing in Virginia during a month, shall so notify the commission no later than the fifth of the following month by postage paid postal card provided by the commission or by calling the commission's toll free telephone line.

G. Any person licensed as a commercial seafood buyer pursuant to §28.2-228 of the Code of Virginia shall maintain for a period of one year a copy of each fisherman's daily harvest record form for each purchase made. Such records shall be made available upon request to those authorized by the commission.

H. Registered commercial fishermen, seafood landing licensees, oyster aquaculture product owner permittees and clam aquaculture product owner permittees shall maintain their daily harvest records for one year and shall make them available upon request to those authorized by the commission.

I. Registered commercial fishermen, seafood landing licensees and licensed seafood buyers shall allow those authorized by the commission to sample harvest and seafood products to obtain biological information for scientific and management purposes only. Such sampling shall be conducted in a manner that does not hinder normal business operations.

J. The reporting of oyster harvest and transactions by licensed seafood buyers, oyster aquaculture product owner permittees, clam aquaculture product owner permittees, and any registered commercial fisherman who self-markets his oyster harvest shall be made in accordance with 4VAC20-200 and Article 3 (§28.2-538 et seq.) of Chapter 5 of Title 28.2 of the Code of Virginia.

K. The reporting of the harvest of federally permitted species from beyond Virginia's tidal waters that are sold to a federally permitted dealer shall be exempt from the procedures described in this section.

L. The owner of any purse seine vessel or bait seine vessel (snapper rig) licensed under the provisions of §28.2-402 of the Code of Virginia shall submit the Captain's Daily Fishing Reports to the National Marine Fisheries Service, in accordance with provisions of Amendment 1 to the Interstate Fishery Management Plan of the Atlantic States Marine Fisheries Commission for Atlantic Menhaden, which became effective July 2001.

4VAC20-610-65. Noncompliance.

A. Any initial violation of 4VAC20-610-60 by any registered commercial fisherman, oyster aquaculture product owner permittee, clam aquaculture product owner permittee, or seafood

landing licensee shall be subject to penalties as described in subdivisions 1 through 4 of this subsection.

1. Any failure to report harvest or no harvest activity or no landing in Virginia within one to three months after that report was due shall result in a minimum of one year of probation.
2. Any failure to report harvest or no harvest activity or no landing in Virginia within four to six months after that report was due shall result in a minimum of two years of probation.
3. Any failure to report harvest or no harvest activity or no landing in Virginia within seven to twelve months after that report was due shall result in a minimum of six months of suspension of all commercial licenses and permits.
4. Any failure to report harvest or no harvest activity or no landing in Virginia more than twelve months after that report was due shall result in a minimum of one year of suspension of all commercial licenses and permits.

B. Any second or subsequent violation of 4VAC20-610-60 by any registered commercial fisherman, oyster aquaculture product owner permittee, clam aquaculture product owner permittee, or seafood landing licensee may be subject to having his commercial licenses and permits suspended by the Commission.

4VAC20-610-70. Penalty.

A. As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

B. In addition to the penalties described by law, any person violating any provision of this chapter may be subject to license suspension or revocation.

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Interstate Fishery Management Plan for Atlantic Coastal Sharks Addendum I

North Carolina Annual Coastal Shark Compliance Report 2011

JULY 2012



NC Department of Environment and Natural Resources

Division of Marine Fisheries

PO Box 769

Morehead City, NC 28557

I. Introduction

The North Carolina Division of Marine Fisheries (NCDMF) regularly monitors and collects biological data on major landings and predominant gear utilized along the North Carolina coast. A commercial fisheries dependent sampling program, which collects biological data from predominant fisheries in North Carolina, has been ongoing since 1982. These data are used by the NCDMF to monitor the commercial harvest of coastal sharks landed in North Carolina. NCDMF also has an ongoing independent monitoring program, which consists of independent gill net surveys and red drum longline surveys. Biological data such as length and sex are collected from all sharks caught as a result of these programs. Data from these programs can be used to monitor trends and are available for input into coastal shark stock assessments.

The NCDMF opened state waters to shark harvest for recreational anglers and set guidelines for the commercial fisheries that opened and closed by future proclamations under proclamation FF-92-2010. The proclamations established a commercial possession limit of 33 large coastal sharks (LCS) with no size limits, and no possession or size limits on small coastal (SCS) or pelagic sharks. Longlines used to capture sharks shall only be used in state waters and shall not exceed 500 yards in length and have no more than 50 hooks. Large mesh gill nets (stretched mesh size greater than or equal to 5 inches) used to capture sharks shall not exceed 2,734 yards in length. Recreational fishermen were allowed one small coastal, large coastal or pelagic shark per vessel per day, or if no vessel is used, one shark per person per day. Smooth and spiny dogfish are exempt from harvest and size restrictions. Large coastal and pelagic sharks must meet the minimum size requirement of 54 inches fork length while small coastal sharks have no minimum size. Recreational fishermen were also allowed one Atlantic sharpnose (no minimum size) and one bonnethead (no minimum size) per person per day along with their bag limit for other sharks. The proclamation also advised fishermen that state waters would be closed to the commercial harvest of coastal sharks if the quota is reached, as set forth by the National Marine Fisheries Service (NMFS). Proclamation FF-92-2010 also stated that North Carolina fishermen could sell coastal sharks only to a licensed finfish dealer who possessed a valid federal shark dealer permit. Dealers were also required to submit North Carolina Trip Tickets for all commercial landings, including coastal sharks.

The NCDMF opened state waters to the harvest of pelagic and blacknose and non-blacknose small coastal sharks (SCS) on January 1, 2011, by Proclamations FF-90-2010 and FF-91-2010. Proclamation FF-20-2011 opened all state waters to commercial and recreational harvest of coastal sharks effective January 30, 2011. Open seasons in North Carolina waters were the same as open seasons established by the National Marine Fisheries Service (NMFS) for federal waters. Proclamation FF-61-2011 opened the commercial harvest of non-sandbar large coastal sharks on July 15, 2011 and FF-76-2011 closed the fishery effective November 15, 2011. Proclamation FF-63-2011 closed pelagic shark-porbeagle fishery in all state waters while the remainder of the pelagic shark species group remained open.

Commercial landings of coastal sharks in 2011 have shown a decrease from 2010 with landings totaling 584,238 pounds along with an additional 14,318 pounds of fins landed (Annual Fisheries Bulletin, April 2012). The 2010 landings were 629,421 pounds with an additional 8,897 pounds of fins landed (Annual Fisheries Bulletin, April 2012).

Commercial landings of smooth dogfish in 2011 were 23% (373,632 pounds) less than landings in 2010 with landings totaling 1,241,252 pounds and additional 33,071 pounds of fins landed (NC Trip Ticket Program). The preliminary recreational harvest estimates for coastal sharks in 2011 are 21,241 pounds of coastal sharks landed (Annual Fisheries Bulletin, April 2012).

II. Request for *de minimus*

North Carolina does not request *de minimis* status at this time.

III. Previous calendar year's fishery and management program.

A. Regulations in effect in 2011

Many different state laws (General Statutes - G.S.) provide the necessary authority for fishery management in North Carolina. The North Carolina Marine Fisheries Commission (MFC) was created to "manage, restore, develop, cultivate, conserve, protect, and regulate the marine and estuarine resources of the State of North Carolina including commercial and sport fishing resources"(G. S. 143B-289.52). The MFC can regulate harvest times, areas, gear usage, seasons, size limits, and quantities of fish harvested and possessed (G.S. 143B-289.52). North Carolina Fisheries Rule 15A NCAC 03M .0512 allows the MFC to delegate authority to implement its regulations for fisheries "to comply with management requirements incorporated in Atlantic State Marine Fisheries Commission Management Plans" to the Director of NCDMF by issuing public notices called "proclamations" that can be implemented within 48 hours after issuance. Thus, North Carolina has a very powerful and flexible legal basis for coastal fisheries management.

15A NCAC 03M .0512 COMPLIANCE WITH FISHERY MANAGEMENT PLANS

(a) In order to comply with management requirements incorporated in Federal Fishery Management Council Management Plans, Atlantic States Marine Fisheries Commission Management Plans, or implementation of state management measures, the Fisheries Director may, by proclamation, take any or all of the following actions for species listed in the Interjurisdictional Fisheries Management Plan:

- (1) Specify size
- (2) Specify seasons
- (3) Specify areas
- (4) Specify quantity
- (5) Specify means and methods, and
- (6) Require submission of statistical and biological data.

(b) Proclamations issued under this Rule shall be subject to approval, cancellation, or modification by the Marine Fisheries Commission at its next regularly scheduled meeting or an emergency meeting held pursuant to G.S. 113-221.1.

History Note: Authority G.S. 113-134; 113-182; 113-221; 113-221.1; 143B-289.4; Eff. March 1, 1996; Amended Eff. October 1, 2008.

Under the proclamation authority cited above, the NCDMF Director issued a proclamation in 2002 that prohibited shark finning (discard of finned carcass at sea). The proclamation addressed the specific compliance criteria as mandated in the FMP. The proclamation had no expiration date and remains in effect.

Proclamation FF-92-2010 Commercial and recreational shark harvest-all state waters (effective January 1, 2011) requires all sharks to have the head, tail and fins intact with the carcass at the point of landing. Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. From July through February, for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin and second dorsal fin, but must keep the first dorsal fin 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. If fins are removed, the total wet weight of the shark fins may not exceed five (5) percent of the total dressed weight of smooth dogfish carcasses landed or found onboard a vessel.

B. Activity and results of fishery dependent monitoring

Commercial small coastal sharks (SCS), large coastal sharks (LCS), and pelagic shark landings are monitored through the North Carolina trip ticket program. Under this program, licensed fishermen can only sell commercial catch to licensed NCDMF fish dealers. The dealer is required to complete a trip ticket every time licensed fishermen land fish. Trip tickets capture data on gears used to harvest fish, area fished, species harvested, and total weights of each individual species. NCDMF also follows a strict confidentiality policy regarding individual dealer and fisherman landings information. Thus, NCDMF does not release any data summaries that involve less than three dealers and/or fishermen. Trip tickets are submitted to NCDMF by the 10th of the month following the month in which the landings occurred. Preliminary landings are available approximately 30-45 days after they are submitted from the dealers. Final landings information for an entire calendar year is not available until April of the following year after thorough screening and verification.

Fishery dependent sampling of North Carolina commercial fisheries has been ongoing since 1982 (conducted under Title III of the Interjurisdictional Fisheries Act, and funded in part by the U.S. Department of Commerce, National Marine Fisheries Service). Predominant fisheries sampled include the ocean sink net fishery, estuarine gill net fishery, winter trawl fishery, long haul seine/swipe net fishery, beach haul seine fishery, and pound net fishery. Surface longlines were the primary commercial gear used to land coastal sharks in North Carolina during 2011, accounting for 50.5% of the harvest (Table 1). Large mesh gill nets (ocean) were the second most predominant gear, as they accounted for 24.8% of total state landings of coastal sharks in 2011 (Table 1). Large mesh gill nets (ocean) were the primary commercial gear used to land smooth dogfish during 2011, accounting for 83.5% (Table 2). Small mesh gill net (ocean) were the second most predominant gear, as they accounted for 14.8% of total state landings of smooth dogfish in 2011 (Table 2).

Table 1. Summary of North Carolina 2011 commercial harvest (lbs) of coastal sharks, by gear and percent contribution. Data provided by NC Trip Ticket Program.

Gear	Landings (lbs)	%
Surface longline	287,980	50.5
Large mesh gill net(>=5in) ocean	141,454	24.8
Small mesh gill net(<5in) ocean	120,230	21.1
Bottom longline	10,048	1.8
Small mesh gill net(<5in) estuarine	1,046	<1
Large mesh gill net(>=5in) estuarine	334	<1
Trolling	3,298	<1
Others	5,530	1.2
Total	569,920	100.0

Table 2. Summary of North Carolina 2011 commercial harvest (lbs) of smooth dogfish, by gear and percent contribution. Data provided by NC Trip Ticket Program.

Gear	Landings (lbs)	%
Large mesh gill net(>=5in) ocean	1,008,820	83.5
Small mesh gill net(<5in) ocean	178,881	14.8
Longline	3,590	<1
Large mesh gill net(>=5in) estuarine	14,868	1.2
Others	2,022	<1
Total	1,208,181	100.0

The North Carolina Division of Marine Fisheries does not have estimates of non-harvest losses of coastal sharks. An increase in discards could be significant should a closure occur as a result of the coastal shark quota being met.

Recreational fishing activity is monitored through the Marine Recreational Information Program (MRIP). The total number of coastal sharks harvested in North Carolina by recreational fishermen from 2003 to 2010 was 2,486 Large Coastal sharks, 25,654 Small Coastal sharks, and 1,409 Pelagic sharks (Table 3). Only preliminary data for the 2011 recreational landings is available and not separated by small or large coastal and pelagic sharks.

Table 3. Number of Coastal sharks harvested and released alive in North Carolina by recreational gear from 2003 to 2010. Data collected from the Marine Recreational Information Program.

Year	Harvest (number)			Harvest (lbs)			Released Alive		
	LCS	SCS	Pelagic	LCS	SCS	Pelagic	LCS	SCS	Pelagic
2003	405	3,297	52	1,012	21,247	*	552	0	0
2004	*	1,814	101	*	13,938	4,604	*	0	0
2005	540	735	840	550	4,209	21,382	2,055	5,548	525
2006	235	3,515	166	4,669	22,549	11,957	2,361	29,671	649
2007	1,014	5,030	81	8,351	37,617	5,749	5,566	5,316	191
2008	125	2,836	41	*	20,639	2,240	0	0	0
2009	0	3,951	97	0	26,830	8,137	*	*	*
2010	167	4,476	31	295	30,894	4,449	14,352	20,847	52
2011	Not Available			Not Available			Not Available		
Total	2,486	25,654	1,409	14,877	177,923	58,518	24,886	61,382	1,417

* No data was reported by the MRIP

C. Activity and results of fishery independent monitoring

The NCDMF does not have an independent program to tag Atlantic Coastal sharks. The NCDMF does have an independent red drum longline project (began in 2007), which allows for capture and tagging of Atlantic Coastal sharks. The independent red drum longline project in the Pamlico Sound resulted in a catch of 12 coastal sharks in 2011. Of the 12 sharks caught, five were sandbar sharks (*Carcharhinus plumbeus*) ranging in size from 622-1038 mm TL (mean=915 mm TL), one bull shark (*Carcharhinus leucas*) 1829 mm TL, four blacktip sharks (*Carcharhinus limbatus*) ranging in size from 1188-1335 mm TL (mean=1257) and two spinner sharks (*Carcharhinus brevipinna*) ranging in size from 489-501 mm TL (mean=739 mm TL). Of the five sandbar sharks caught four were released with steel dart tags.

A fisheries independent gill net survey was initiated in North Carolina in 2001. The objective of this project is to provide annual independent relative indices of abundance for key estuarine species in sounds and rivers that can be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project are used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. Sampling is a stratified random sampling design in Pamlico Sound, utilizing multiple mesh gill nets (3.0-6.5 inch, ½ inch increments). In 2011, the Pamlico Sound independent gill net survey catch included a total of one blacktip (*Carcharhinus limbatus*) with a total length of 663 mm, five bull sharks (*Carcharhinus leucas*) with a total length of 835-929 mm (mean=894 mm TL), four bonnethead (*Sphyrna tiburo*) with total lengths ranging from

856 -1104 mm (mean=949 mm TL), four sandbar sharks (*Carcharhinus plumbeus*) with total lengths ranging from 686-821 mm (mean = 757 mm TL), four Atlantic sharpnose (*Rizoprionodon terraenovae*) with total lengths ranging from 338-982 mm (mean = 761 mm TL) and 398 smooth hound (*Mustelus canis*) with total lengths ranging from 332-1040 mm (mean = 662 mm TL).

The Fisheries Independent Assessment Program Ocean Gillnet (FIAPOG) began in February, 2008, funded by the Coastal Recreational Fishing License receipts. The program utilizes the same sampling framework as the fisheries independent gill net survey. This program is designed to gather data on fishes utilizing the nearshore ocean (<3 miles) from New River Inlet south to the SC/NC state line and the Cape Fear and New rivers. The goals of the program are to provide CPUE data for coastal fishes, to supplement age, growth, and reproduction studies, to evaluate catch rates and species distribution for use in management plans, and to characterize habitat use. In 2011, 1142 sharks were caught in the near shore ocean and 123 were caught in the Cape Fear and New rivers. Of the 1142 sharks caught in the nearshore ocean, there were seven blacktip with total lengths ranging in size from 760 – 1270 mm (mean = 1000 mm TL), 33 bonnethead with total lengths ranging in size from 575 – 990 mm (mean = 778 mm TL), eight scalloped hammerhead (*Sphyrna lewini*) with total lengths ranging in size from 449-980 (mean = 704 mm TL), 346 sharpnose with total lengths ranging in size from 257 – 850 mm (mean = 626 mm TL), 38 smooth dogfish with total lengths ranging in size from 452-1070 mm (mean = 788 mm TL), 11 spinner (*Carcharhinus brevipinna*) with total lengths ranging in size from 572-1425 mm (mean = 931 mm TL), six sand tiger (*Carcharias taurus*) with total lengths ranging in size from 940-2743 mm (mean=1972) and one sandbar (*Carcharhinus plumbeus*) with a total length of 1829.

Of the 123 sharks that were caught in the Cape Fear and New rivers, there were four blacktip with total lengths ranging in size from 953 – 1015 mm (mean = 980 mm TL), 24 bonnethead with total lengths ranging in size from 663 – 955 mm (mean = 820 mm TL), four sandbar with total lengths ranging in size from 700 – 800 mm (mean = 761 mm TL), 78 sharpnose with total lengths ranging in size from 246 – 644 mm (mean = 336 mm TL), two smooth dogfish with total lengths ranging in size from 510 – 620 mm TL (Mean = 565 mm TL), one bull shark (*Carcharhinus leucas*) with a total length of 594 mm, one dusky shark (*Carcharhinus obscurus*) with a total length of 561 mm and seven finetooth sharks (*Carcharhinus isodon*) with total lengths ranging in size from 961-1122 mm (mean=1017 mm TL).

IV. Planned management program for the current fishing year

The management program for 2012 will follow the regulatory authority as in 2011.

Proclamation FF-92-2010 was issued on December 9, 2010, to comply with the management measures presented in the ASMFC FMP for Coastal Sharks.

V. Plan specific requirements

A. Scientific and Educational Collection Permits

In 2011, 8 Scientific and Education Collection permits were issued identifying sharks in their catch. The number and weight by species of the various coastal shark species collected in these permits are provided in Table 4. Not all statuses of the species were identified in the end of year report. North Carolina is in the process of issuing a new form instructing scientific and education permit holders to report weights and status of sharks caught. Thus, this information will be included in future reports.

Table 4. Coastal sharks collected in North Carolina under Scientific and Education Collection Permits, 2011.

Species	Number Collected	Weight (Kg)	Number of fish with weights reported	Number released alive	Gear
Angel	5	56.84	5	5	Trawl
Atlantic sharpnose	467	251.28	391	459	Trawl/Long line/Rod and Reel
Blacknose	2	0	0	0	Trawl/Long line/Rod and Reel
Bonnethead	11	37.67	11	11	Trawl
Sandbar	38	252.9	29	36	Trawl/Rod and Reel
Sandtiger	16	732.51	12	13	Trawl/Rod and Reel
Scalloped hammerhead	15	6.05	3	7	Trawl/Long line
Smooth Dogfish	152	220.38	152	150	Trawl
Spinner	9	0	0	9	Long line
Dusky	3	0	0	0	Long line
Silky	2	0	0	0	Long line
Blacktip	11	0	0	10	Long line
Dogfish, Unclassified	31	0	0	31	Poundnet
Sharks, Unclassified	25	0	0	25	Poundnet
Total	790	1564.55	606	757	

South Carolina
Coastal Shark Fishery and Management Program
Compliance Report for the Year 2011



DNR

30 July 2012

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Marine Resources Research Institute
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South Carolina Department of Natural Resources

I. INTRODUCTION

The Atlantic Highly Migratory Species (HMS) Management Division of the National Marine Fisheries Service (NMFS) is responsible for the management of Atlantic shark populations. Due to the variety of life history patterns that exist among Atlantic shark species, NMFS classifies them into groups with similar life history parameters. The current classifications, as defined in Amendment 3 to the consolidated HMS fisheries management plan¹, include large coastal sharks (LCS), small coastal sharks (SCS), pelagic sharks and prohibited species. Within the LCS unit, sandbar sharks are managed independently of other species, and within the SCS unit blacknose sharks are managed independently. This report focuses on the LCS (sandbar, silky, tiger, blacktip, bull, spinner, lemon, nurse, smooth hammerhead, scalloped hammerhead, and great hammerhead sharks) and SCS (Atlantic sharpnose, blacknose, finetooth, and bonnethead sharks) groups in South Carolina state waters. In addition, data on smooth dogfish are presented. This species currently has no federal management plan; however, HMS management of this species will begin in 2013. The most recent stock assessment (SEDAR 21²) lists the sandbar and blacknose sharks as overfished, with overfishing occurring.

All species of coastal sharks encountered in SC waters are monitored through fishery dependent and independent methods. South Carolina's estuaries and adjacent coastal waters provide essential pupping and nursery habitat for sharks as well as essential foraging habitat for juvenile and adult sharks. Sharks are seasonal residents in South Carolina coastal waters, with the greatest abundances occurring from April to November. Smooth dogfish are an exception, with pregnant females migrating to South Carolina waters in November and migrating out in April. South Carolina's estuarine and coastal waters have been documented as important primary and secondary nursery grounds for several species of coastal sharks including: Atlantic sharpnose, blacktip, finetooth, sandbar, and scalloped hammerhead sharks (Castro 1993³; Ulrich *et al.* 2007⁴). Additional species that may utilize South Carolina's waters as nursery grounds include blacknose, bonnethead, bull, and lemon sharks.

Data indicate that recreational catches of coastal sharks have increased. This trend is likely to continue as coastal populations of humans continue to increase, leading to more fishing effort. Commercial catch data showed increases in landings for large coastal, pelagic and small coastal sharks. Catches of sandbar sharks remained minimal, while catches of smooth dogfish decreased.

II. REQUEST FOR *de minimis* – Not Applicable

III. 2011 COASTAL SHARK FISHERY AND MANAGEMENT PROGRAM

¹ http://www.nmfs.noaa.gov/sfa/hms/FMP/AM3_FEIS/Total_A3_FEIS.pdf

² [SEDAR 21: HMS Sandbar, Dusky, and Blacknose Sharks](#)

³ Castro, J.I. 1993. The shark nursery of Bulls Bay, South Carolina, with a review of the shark nurseries of the southeastern coast of the United States. *Env. Biol. Fish.* 38:37-48.

⁴ Ulrich G.F., Jones C.M., Driggers W.B. III, Drymon J.M., Oakley D., Riley C. 2007. Habitat utilization, relative abundance, and seasonality of sharks in the estuarine and nearshore waters of South Carolina. *Am. Fish. Soc. Symp.* 50:125-139.

A. Fishery Dependent Monitoring:

Sharks in South Carolina are captured and harvested by both commercial and recreational anglers. Recreational landings are monitored through intercept surveys, phone surveys and charter boat trip tickets. Commercial landings and effort are monitored through logbooks and trips tickets. All commercial shark landings must be sold to federally licensed commercial shark dealers.

Recreational Monitoring:

As the coastal population has increased in South Carolina, angler pressure on all species of estuarine and coastal fish has increased. Anglers, as well as charter captains, have increasingly targeted coastal sharks for sport. The majority of these encounters are catch and release, although a segment is retained for consumption and trophies. Fishery dependent data are collected by the Marine Recreational Information Program (MRIP) of NMFS, the South Carolina State Finfish Survey (SFS), and a SCDNR-managed mandatory trip reporting system for licensed charter boat operators. Additional data on shark movement and seasonal migration are also available through South Carolina’s marine game fish tagging program.

MRIP Data – Species-specific shark data were not available from MRIP. Instead, their landings data included combined catches for either “Dogfish Sharks” or “Other Sharks”, the latter of which includes LCS, SCS, and pelagic sharks. The MRIP data indicates that total harvest of other sharks in 2011 increased by 18,495 pounds compared with 2010. Note, however, that MRIP emphasize that their weight data are minimum values, and less reliable than their catch in numbers data.

The 2011 harvest was estimated at 92,695 lbs. and the 2010 harvest was estimated at 74,200 lbs (Figure 1). The total weight of other sharks caught is only available for harvested individuals in the MRIP data set. Therefore, the total catch and released alive

Figure 1. Estimated annual recreational landings of the MRIP category “Other Sharks” by all modes in South Carolina state waters in lbs (± s.e.). Data from MRFSS data set:
<http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>

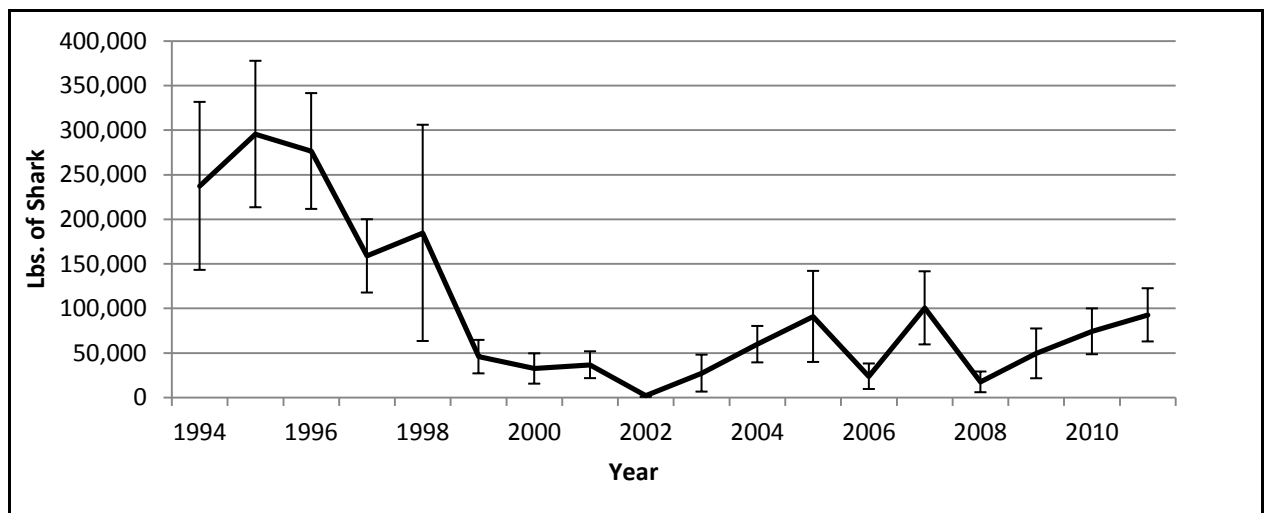
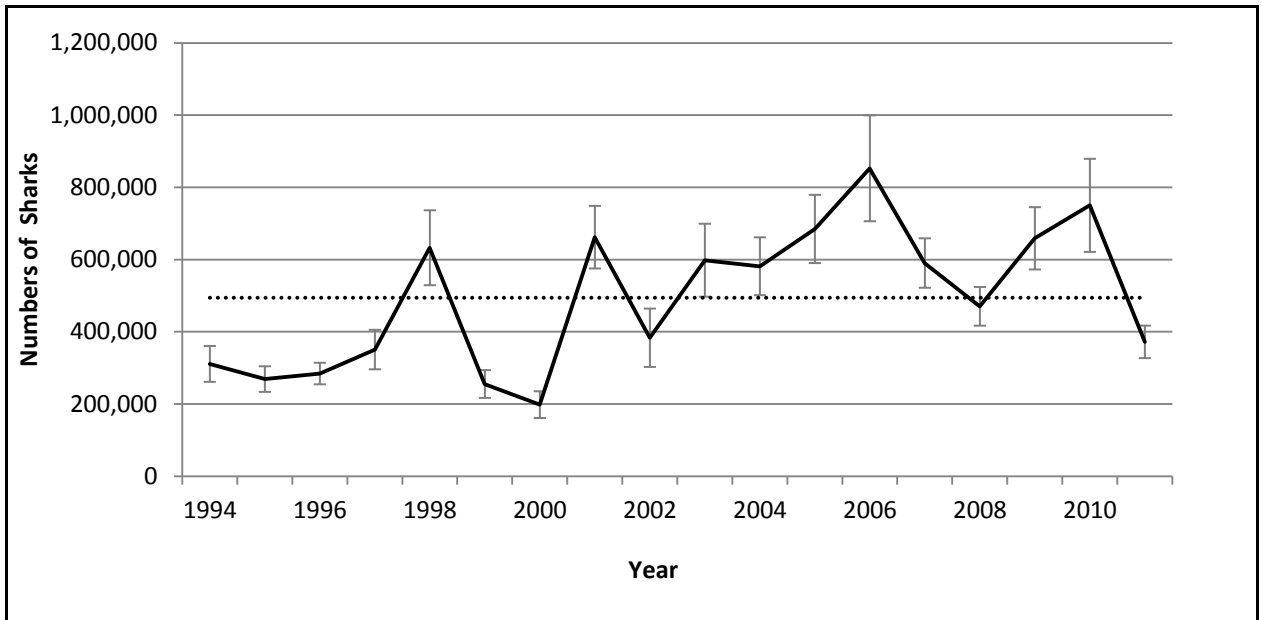


Figure 2. Estimated total recreational catch of the MRIP category “Other Sharks” by all fishing modes from South Carolina state waters. Total catch (harvested and released, \pm s.e) and long term mean (dotted line) are shown. Data from MRIP: <http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>



(B2) components are reported in number captured. The total catch in 2011 was estimated to be 371,816 sharks, which is below the long term average of 494,502 sharks (Figure 2). An estimated total of 358,874 sharks were captured and released alive. As regulations have changed and anglers have become increasingly conservation minded, catch and release of coastal sharks has become more prevalent. Released fish composed 78% to 95% of the total catch in the 1990s versus 93% to 99% of the total catch since 2000 (Figure 3). The highest percentage of released fish on record (99.2%) occurred in 2008. Catch and release of coastal sharks remained high in 2011 at an estimated 96.5%.

Figure 3. Estimated percentage of captured “Other Sharks” that were released alive (B2) in South Carolina state waters. Data from MRIP: <http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>

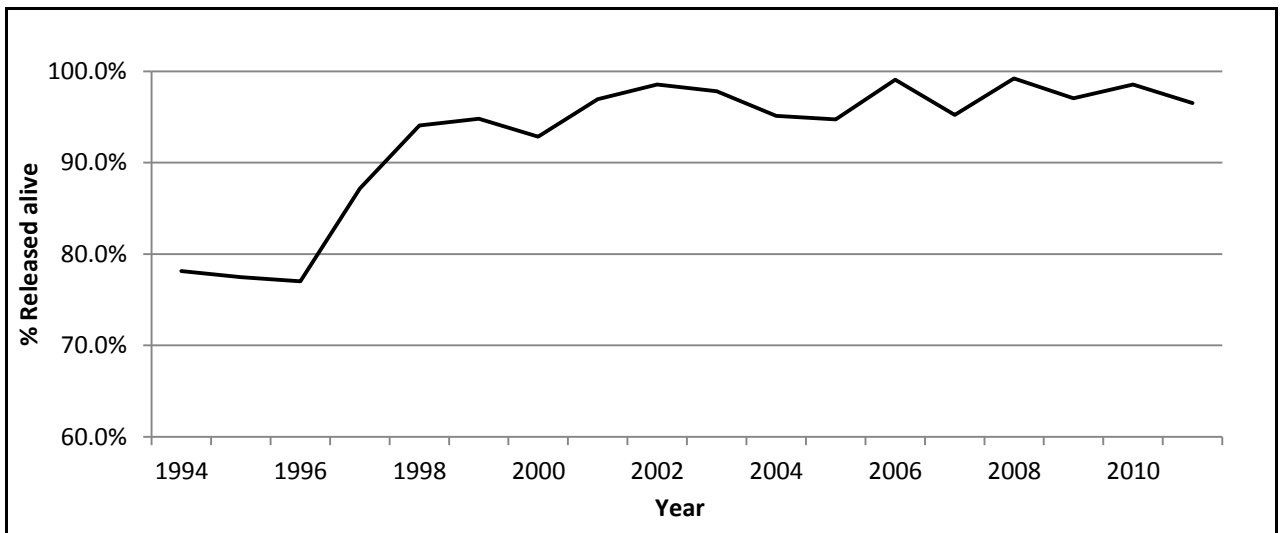
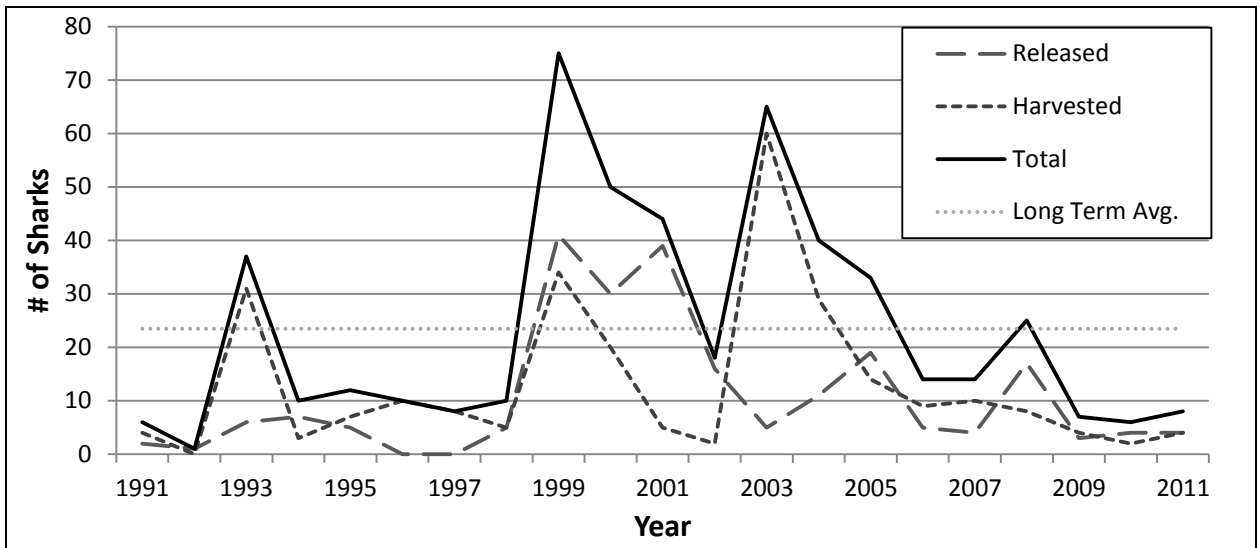


Figure 4. Catches of large coastal sharks in South Carolina state waters from surveyed anglers as documented by the South Carolina State Finfish Survey. The total number of sharks captured, total released, total harvested and long term mean of total captured (dotted line) is reported.



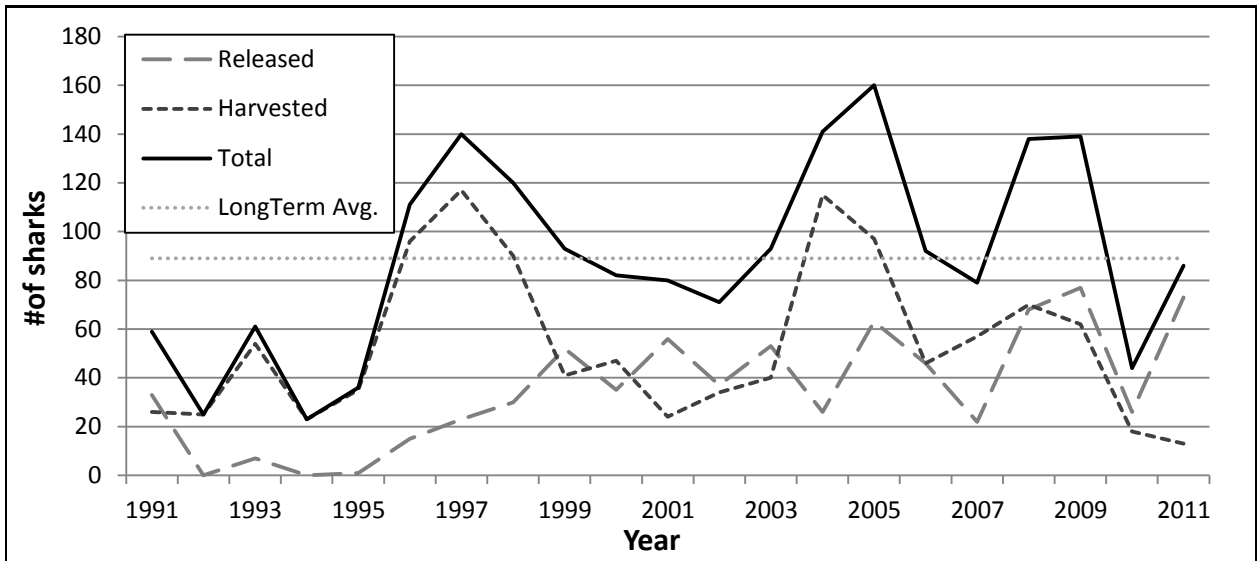
South Carolina State Finfish Survey (SFS) – The SFS is an intercept based fishery dependent survey designed to collect catch/effort data and length measurements of selected species taken by private boat anglers in either South Carolina waters or adjacent federal waters. Other fishing modes (shore based angling) are not sampled by this survey. Numbers reported are direct catches from a single day of fishing as reported by anglers intercepted at boat landings by SCDNR personnel. Some species-specific data are available through the SFS survey, but the majority of anglers interviewed were unable to identify their sharks to the species level. For ease of presentation, data have been summarized by the NMFS species groupings. For all sharks caught (including unidentified species), 97% were released alive.

The SFS data indicate that the reported catch of LCS sharks was slightly higher in 2011 than 2010, and less than the long term average (Figure 4). SCS shark reported catch in 2011 was well above 2010 and close to the long term average (Figure 5) however, the number of SCS sharks retained was less in 2011 than 2010.

Charter Boat Trip Reporting – A mandatory component for participants of the charter boat fishery in South Carolina is a trip reporting system, which is administered by SCDNR. Data collected includes effort, species targeted, species encountered and species captured. Recent efforts have led to an increase in species-specific data. Historically, large portions of the data were listed as unclassified shark. The species-specific data that are reported have been grouped into small or large coastal shark groupings.

The 2011 reported large coastal shark landings (7,391 lbs.) were slightly lower than 2010 and remained below the long-term average (Figure 6). The 2011 small coastal shark charter landings (16,466 lbs.) were greater than the 2010 landings and were the highest since the log book program was initiated (Figure 6). While some of the increase in landings can be explained by more species specific reporting, there is also an increase

Figure 5. Catches of small coastal sharks in South Carolina state waters as documented by the South Carolina state finfish survey. The total number of sharks captured, total released, total harvested and the long-term average of total captured is reported.



in the targeting of coastal sharks by charter captains. These numbers are expected to increase in the future as more charter boat captains target Atlantic sharpnose and bonnethead sharks due to the ease of capture and abundance of these species, as well as tightening of restrictions on other coastal species of fish.

While capture of LCS sharks decreased slightly from 7,940 sharks in 2010 to 5,529 sharks in 2011, catches of SCS continued to increase in 2011 (Figure 7). A total of 21,517 small coastal sharks were reported captured by charter captains in 2011. Since the

Figure 6. Landings of sharks from South Carolina state waters as reported in the charter boat trip logs. The total landings in lbs, large coastal landings, small coastal landings and unclassified landings are reported.

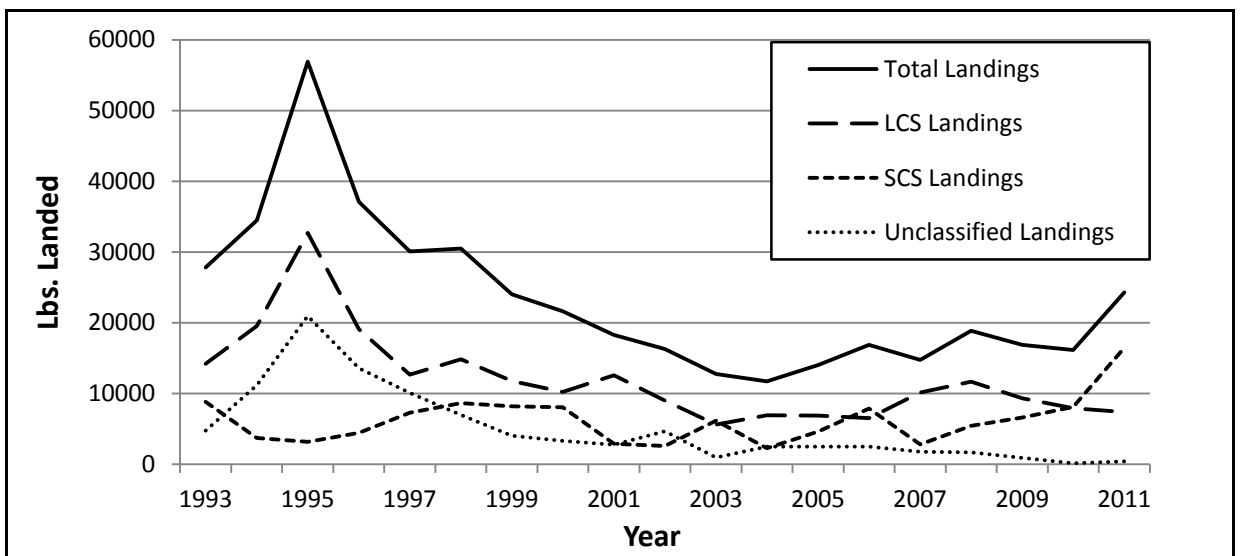
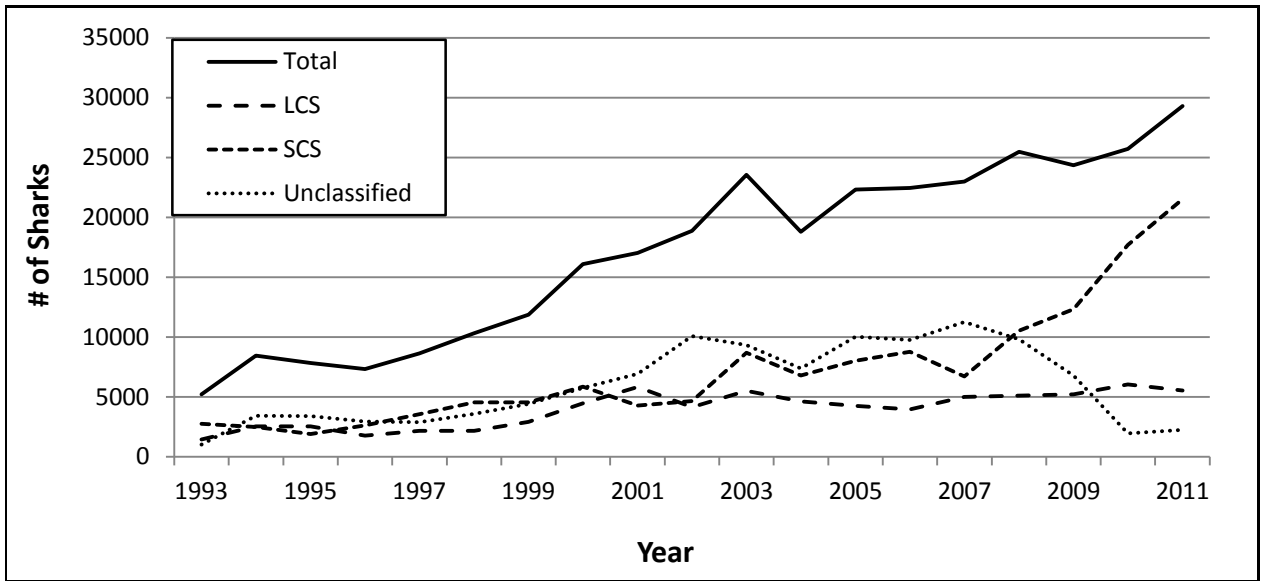


Figure 7. Capture of sharks from South Carolina state waters as reported in the charter boat trip logs. The total number of sharks, total small coastal, total large coastal and total unclassified sharks captured is reported.



charter logbook program began, total reported catches of coastal sharks have increased 600%. Despite the reported increases in both catches and landings, release of sharks captured by charter boat captains remains high (92.7% in 2011).

Marine Game Fish Tagging Program – The marine game fish tagging program encourages anglers to participate in the catch and release of fish, while helping scientists collect valuable information on movement and migration. Reductions in funding have reduced the amount of participating anglers as well as tagging effort. A total of 17 sharks were tagged by recreational anglers in 2011, with five Atlantic sharpnose, two blacktips, six bonnetheads, one finetooth and two lemon sharks tagged.

Commercial Monitoring:

South Carolina has a relatively small commercial fleet fishing for coastal sharks. Most directed permit holders are smaller vessels conducting day trips, although several larger vessels operate in state and federal waters. Most incidental permit holders are commercial shrimping vessels that sell portions of their bycatch. Gears used by both direct and incidental permit holders include: longlines (bottom and pelagic), otter trawl, and bandit/rod and reel. Longlines and otter trawl account for the majority of reported landings. All catch is required to be sold to a licensed federal dealer, and landings and effort are monitored through the use of logbooks, federal observers and trip tickets.

B. Fishery Independent Monitoring:

Coastal sharks have been continuously monitored in South Carolina since 1994. The abundance and distribution of sharks is monitored in estuarine coastal waters utilizing a variety of gear types. The Cooperative Atlantic States Shark Pupping and Nursery Habitat Survey (COASTSPAN) monitors the presence and abundance of young

of year and juvenile sharks in the estuaries and bays of South Carolina. The presence and abundance of juvenile and adult coastal sharks in the bays, sounds and coastal waters are documented during the adult red drum longlining survey; sharks are a common bycatch in the adult red drum survey. The data gathered from these programs are shared with the NMFS apex predators program and are utilized in stock assessments and management decisions in South Carolina.

COASTSPAN – The COASTSPAN survey was created in 1998 as a cooperative survey between the NMFS Apex predators program and the SCDNR. The estuaries and sounds from Bulls Bay to St. Helena Sound are sampled with hand-deployed longlines and gillnets. The hand deployed longline is more effective for targeting large coastal species, primarily sandbar and blacktip sharks, while gillnets are more effective for small coastal sharks, Atlantic sharpnose, finetooth and bonnethead sharks. All stations in this survey are index stations. Species captured are measured, sexed, tagged and released, and physical and water quality parameters are recorded. All collected data are shared with the apex predators program.

Catches of LCS on the hand deployed longline have been relatively steady and have remained above the long term average since 2005, with a slight decline occurring from 2006 to 2009. Catches of LCS in 2011 remained above the long term average, although they were slightly lower than 2010, (Figure 8). Catches of SCS were also lower in 2011.

The gillnet is a more effective gear for small coastal shark species, and is the only available long term survey data set for bonnethead and finetooth sharks in the Southeast. Trends in the data from the gillnet survey are typically more stable than the hand deployed longline data, with both populations remaining around their long term averages. However, catches of both LCS and SCS were lower than their mean CPUE in 2011 with SCS having the lowest CPUE on record since the survey began (Figure 9). Large coastal sharks are caught infrequently in gill nets, averaging less than one LCS per net set.

Figure 8. Catch per unit effort (\pm s.e.) of coastal sharks on the hand deployed longline and long term mean of CPUE (dotted line) from the COASTSPAN survey (1998-2011).

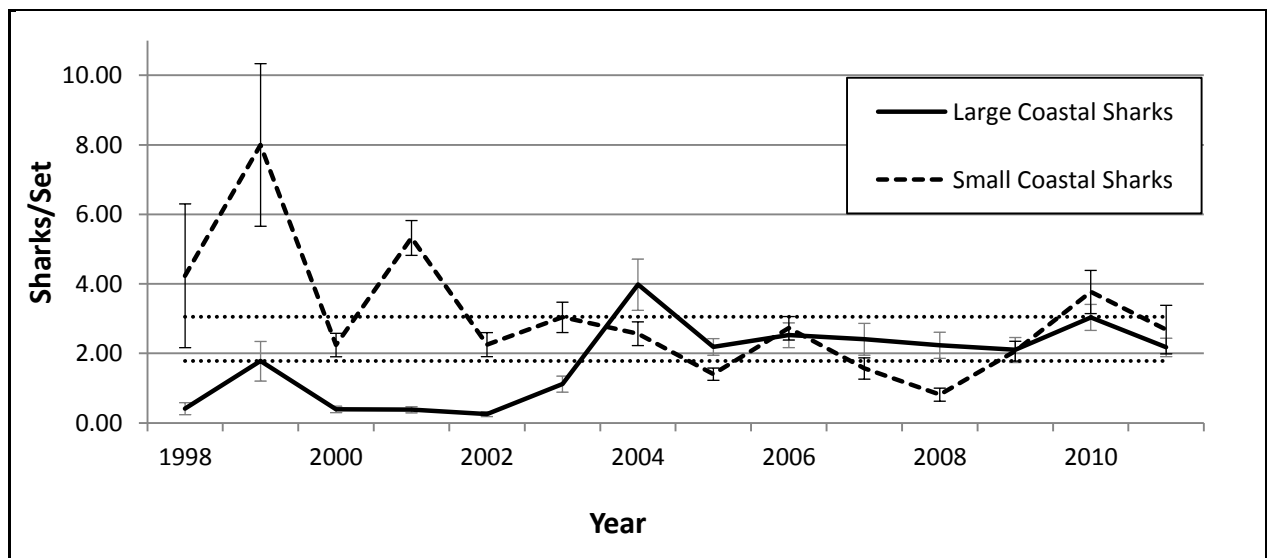
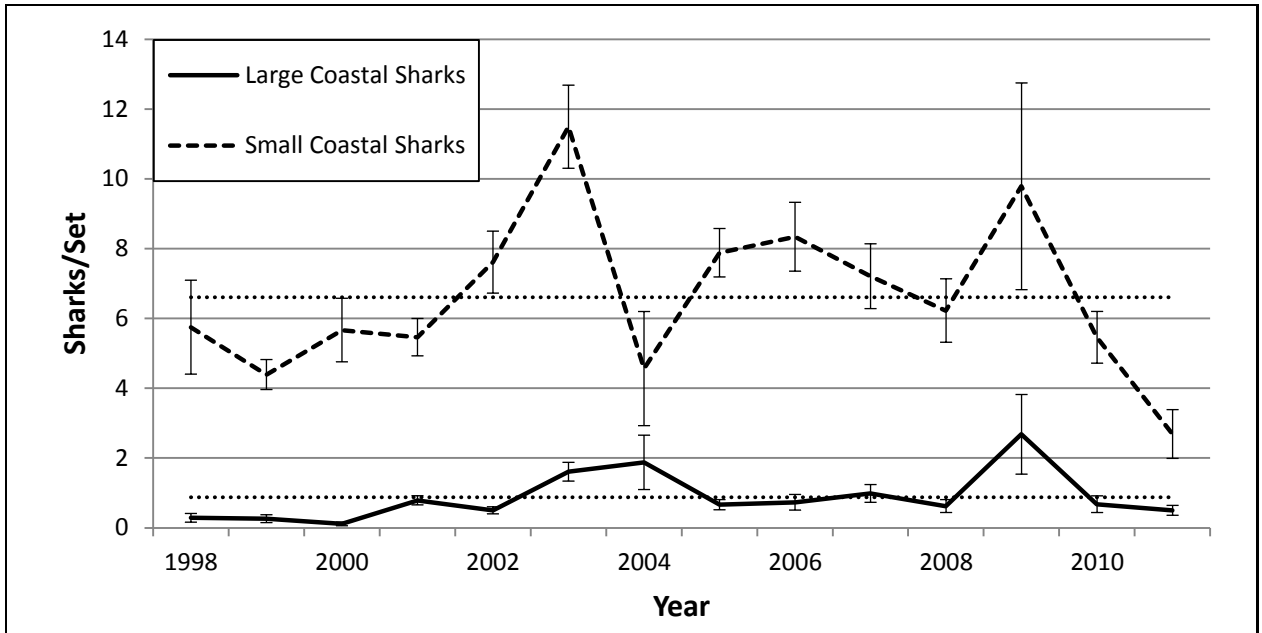


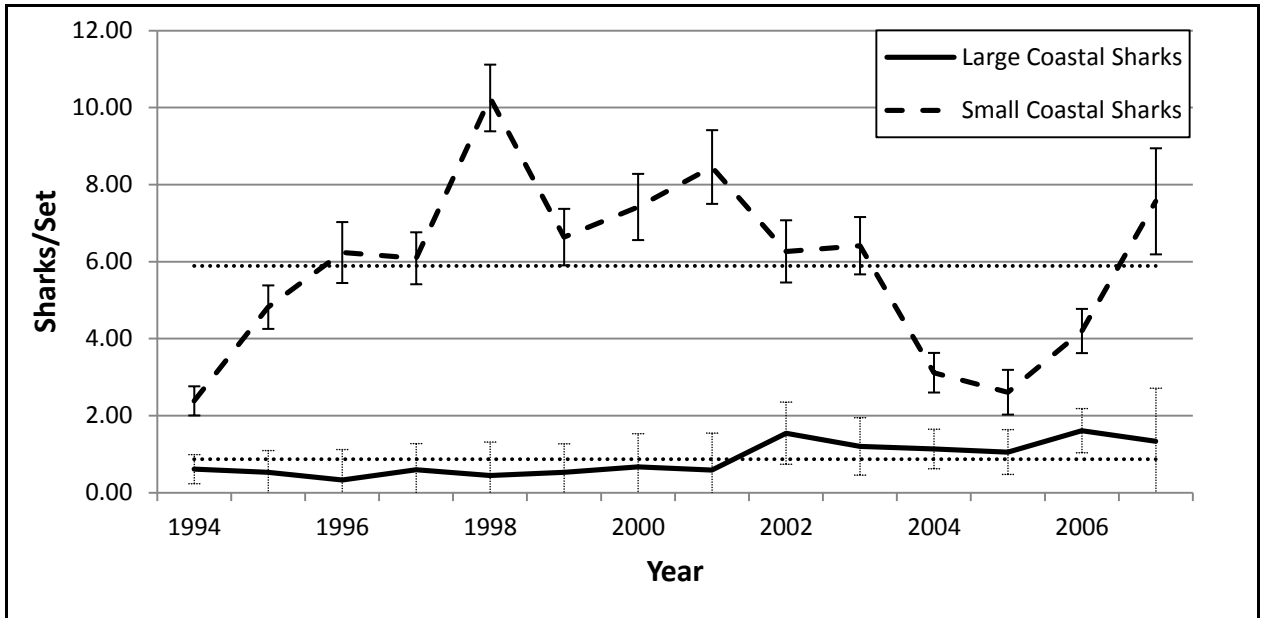
Figure 9. Catch per unit effort (\pm s.e.) of coastal sharks from in gillnets and long term mean of CPUE (dotted line) from the COASTSPAN survey (1998-2011).



Adult Red Drum Bottom Longline Survey - The primary purpose of the SCDNR nearshore bottom longline survey is to estimate the abundance and distribution of adult red drum in SC coastal waters. However, a large portion of the catch is composed of coastal sharks, giving this program a dual purpose. This program utilized a 1,609 meter hydraulic longline to sample index stations from 1994 to 2007. Beginning in 2007 the survey design was changed to a random stratified survey using two 536 meter longlines. The spatial coverage of this survey also changed in 2007 and now covers the majority of the state and the four largest bays and sounds, Port Royal Sound, St. Helena Sound, Charleston Harbor, and Winyah Bay. All other survey protocols remained unchanged. This shift in design and spatial coverage should yield excellent data on the species of shark utilizing South Carolina's coastal waters in the future. The primary species captured by this survey are: Atlantic sharpnose, sandbar, finetooth, blacknose, blacktip, scalloped hammerhead, bonnethead, and spinner sharks. Other species encountered include: tiger, lemon, bull, nurse, great hammerhead and seasonally smooth and spiny dogfish.

The presence of SCS in the longline data set has been highly variable. Increases in abundance starting in 2005 are associated with the spatial changes the program underwent (Figure 10). Sampling was expanded in 2005, and again in 2007 causing shifts in catches of both SCS and LCS. Regional differences in CPUE are evident with the areas added (Winyah Bay, St. Helena Sound, and Port Royal Sound) having higher diversity and abundance of coastal sharks than the Charleston Harbor. Future research will investigate these differences. The random stratified survey has shown an increase in catches of both SCS and LCS when compared to the index station survey. The survey is

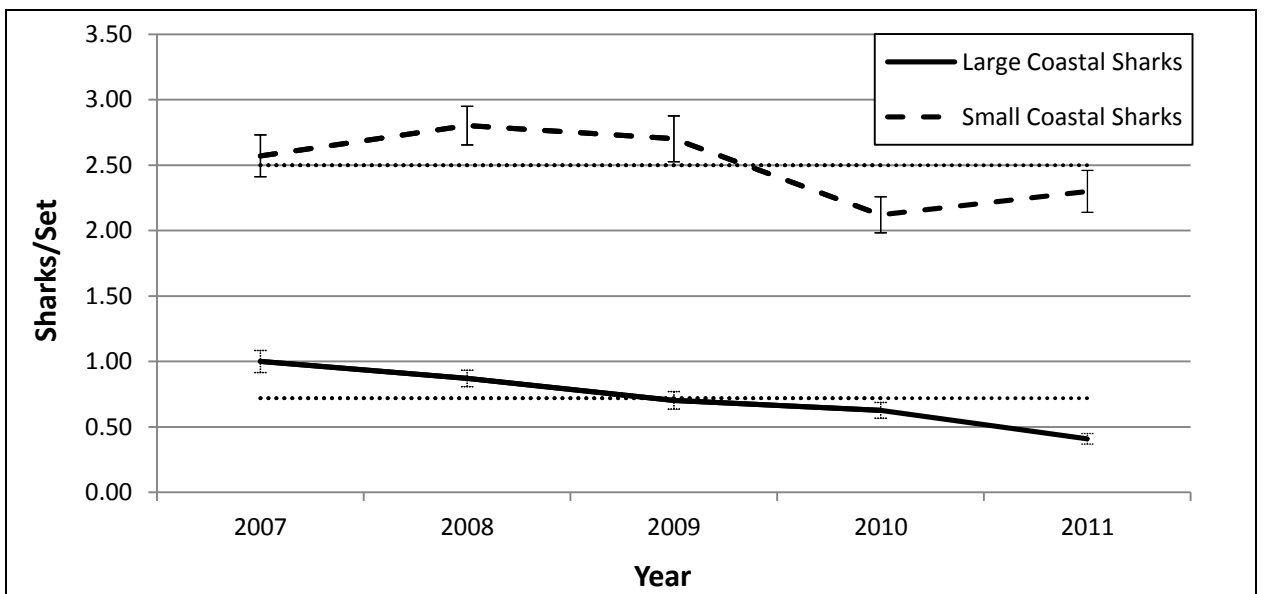
Figure 10. Catch per unit effort (\pm s.e.) of coastal sharks on the hydraulic longline and long term mean of CPUE (dotted line) from the Adult Red Drum survey (1994 to 2007).



relatively new, but catches of both SCS and LCS were below the long term means in 2011. Large coastal shark catches have decreased every year since the survey protocol was altered. Recent stock assessments treated the surveys as two distinct time periods 1994 to 2006 and 2007 to present.

In addition to the SCS and LCS, pregnant adult smooth dogfish females are encountered seasonally from November to April. This suggests that South Carolina waters may play a role as over-wintering grounds for this species.

Figure 11. Catch per unit effort (\pm s.e.) of coastal sharks on the hydraulic longline and long term mean of CPUE (dotted line) from the Adult Red Drum survey (2007-2011).



C. Coastal Shark Regulations in Effect:

South Carolina is in compliance with all measures of the FMP. Coastal shark commercial and recreational regulations are covered by the following provisions. “The limits, closures, and requirements pertaining to shark fishing in general provided by federal regulations are considered the law of the state of South Carolina except where specific state legislation is enacted.” The following sections from Title 50 of South Carolina Code apply:

SECTION 50-5-2725. Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

(A) Except as provided in this chapter, the size, catch, bag, and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of sharks or shark parts prescribed by those federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and pertaining to the Fishery Management Plan for Atlantic tuna, swordfish, and sharks are declared to be the law of this State and apply in state waters; provided, however, no federal recreational angling permit or federal charter boat/head boat permit is required for the taking or possession of sharks in the waters of this State. In state waters size, catch, bag, and possession limits pertain to individual fishermen when no vessel is utilized.

(B) An annual permit must be obtained from the Department for a boat or vessel before it takes sharks for commercial purposes in state waters. Permits granted under this section do not include income requirements but may include requirements for fishing times, periods, areas, gear, and equipment, catch limitations and reporting, and other conditions the Department may determine to be necessary for management or regulatory purposes. In addition to Department conditions, the use of gill nets to harvest sharks is prohibited in state waters at all times, and when taken by gill net, all sharks must be released immediately.

SECTION 50-5-2730. Federal fishing regulations declared to be law of State.

Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

SECTION 50-5-340 Permits; use for commercial purposes and disposition of proceeds; violations and penalties.

(A) The Department may grant permits for taking, holding, and propagating fish or other marine resources excluding any marine mammals for:

- (1) Exploratory
- (2) Experimental
- (3) Scientific
- (4) Educational or
- (5) Commercial display purposes.

These permits may authorize activities which would otherwise be unlawful. These permits expire at the pleasure of the Department, but permits granted for exploratory or experimental commercial purposes are limited to no more than two years and may not be renewed. Permits granted pursuant to this section may include conditions as to the areas, times, seasons, types of fishing equipment, species to be taken, catch reporting requirements, disposition of the catch, and other conditions the department determines necessary. No permittee may take fish or marine resources in violation of permit conditions.

(B) The Department may permit marine resources collected pursuant to exploratory, experimental, or commercial display permits to be used for commercial purposes. Marine resources collected pursuant to scientific or educational permits may not be used for personal consumption, but the resource or the proceeds of its sale may be used by the department for marketing and promotional purposes. Any product in excess of department needs may be disposed of according to law. The Department may condition permits to allow sale of marine resources for public display.

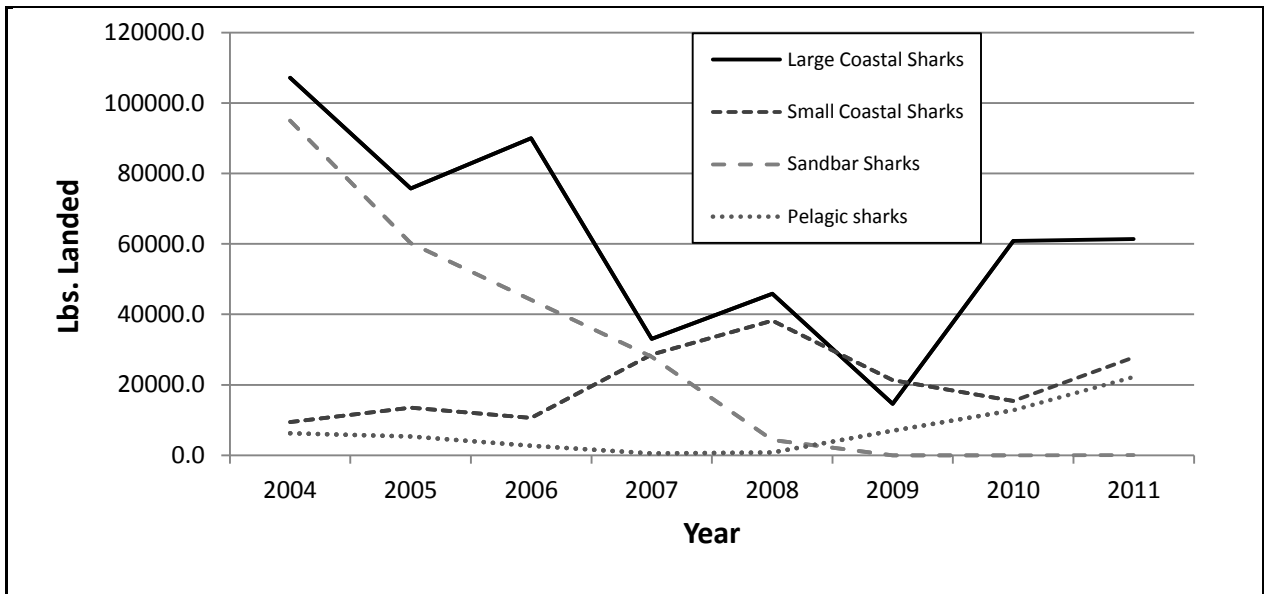
D. Coastal Sharks Harvest:

Commercial harvest data are only reported from 2004 to 2011 due to inconsistencies in the ACCSP data set. Where sufficient data are available, species groupings are to the level established by HMS Amendment 2: LCS, SCS, and sandbar. Smooth dogfish will not be federally managed until 2013, but are included where sufficient data are available. In 2008 species-specific reporting was required as part of HMS amendment 2. This will allow for better data gathering and species-specific management in the future. Limited commercial landings of sandbar sharks were reported in 2011 (31 lbs.). Only vessels participating in the HMS sandbar research fishery are allowed to land sandbar sharks; in 2011 there were no South Carolina commercial fisherman participating in the research fishery.

The SCS quota is consistently under harvested in the South Atlantic region and vessels have traditionally shifted to targeting SCS stocks when the LCS quota is filled. Catches of SCS and LCS sharks had been decreasing since 2004, most likely due to reduced quota availability; however in 2011 catches of SCS, LCS and pelagic sharks increased (Figure 12).

Longline vessels account for the majority of LCS and SCS landings. Since 2004 there had been a significant decline in landings of both LCS and sandbars in the longline fishery; however landings of LCS increased in 2010 and remained constant in 2011 (Figure 13). There were few reported landings of smooth dogfish in 2011 (597 lbs.).

Figure 12. 2004-2011 commercial landings of coastal sharks for all available gear types in pounds per year.



The majority of sharks landed in the incidental otter trawl fishery have traditionally been SCS (Figure 14). From 2004 to 2006 there are no SCS landings, only LCS landings. This is probably due to misreporting of SCS landings or landings being reported as unclassified sharks. Species-specific reporting requirements should help to correct reporting errors like this in the future. Landings of SCS in shrimp trawls have been declining since 2007. Landings of LCS have remained low since 2008. Anecdotal evidence suggests SCS are still being captured and killed in trawls, but not sold to federal dealers, instead being given to crew.

Figure 13. 2004-2011 commercial longline landings of coastal sharks in pounds per year.

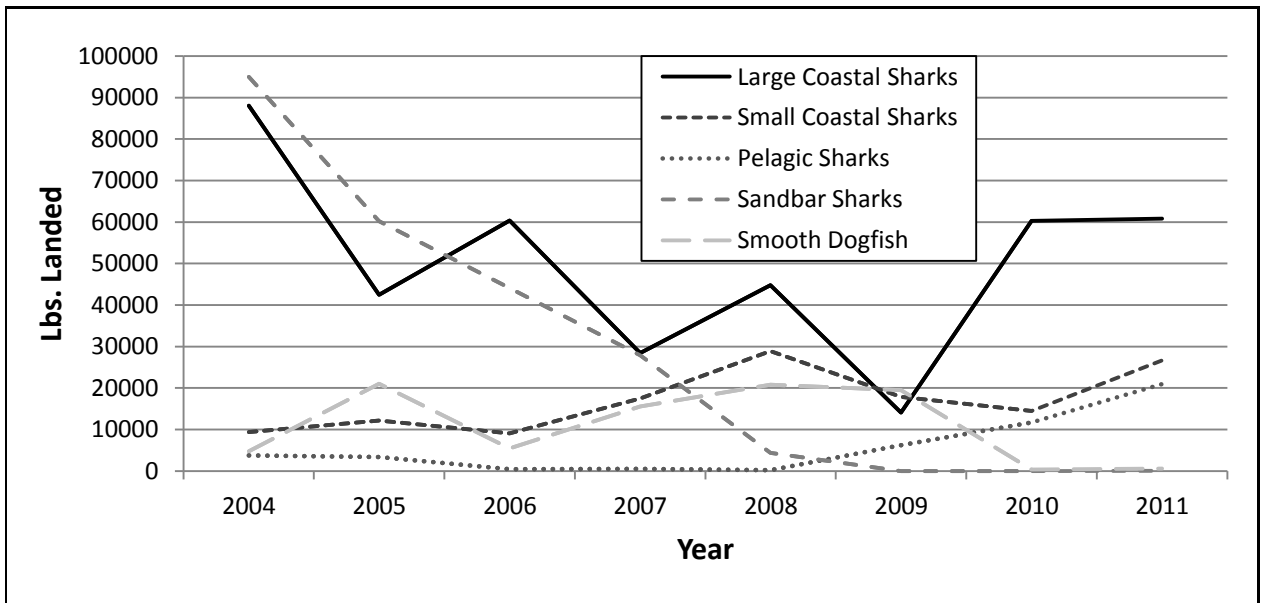
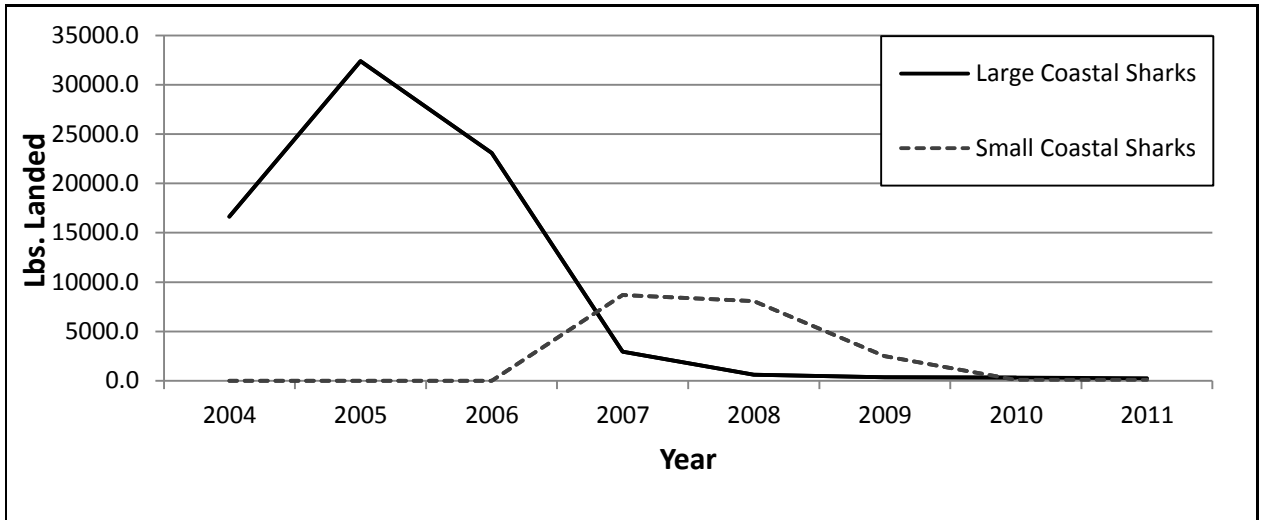


Figure 14. 2004-2011 indirect landings of coastal sharks in the shrimp otter trawl and gillnet industries, landings are in pounds per year.

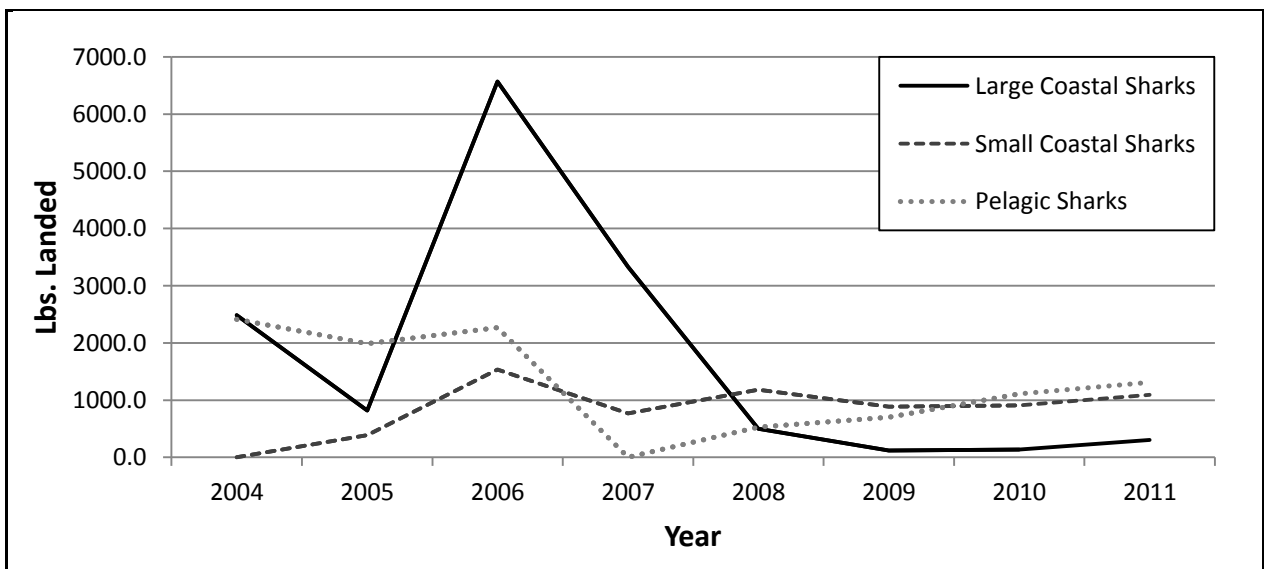


Landings of LCS, SCS and pelagic sharks have remained steady in the bandit reel and rod and reel commercial fishery since 2008 (Figure 15).

E. Habitat Recommendations

The importance of South Carolina’s estuarine and coastal waters as primary and secondary habitat for coastal sharks has been well documented. The long-term protection of these areas is paramount to the future success of coastal sharks. Continued research is necessary to give a further understanding of the dynamics affecting the distribution and abundance of these sharks in South Carolina nearshore waters and estuaries.

Figure 15. 2004-2011 indirect landings of coastal sharks in the bandit reel and handline (rod and reel) fisheries, landings are in pounds per year.



IV. PLANNED COASTAL SHARK MANAGEMENT PROGRAMS FOR 2012

A. Regulations in Effect for 2012:

No changes in regulations are expected in 2012.

B. Monitoring programs that will be performed:

No new programs dedicated to the monitoring of coastal sharks are planned. Data related to the presence and movement of sharks in South Carolina’s coastal waters will continue to be collected as this species is encountered within the context of existing fishery dependent or fishery independent programs conducted by the SCDNR.

C. Changes from the Previous Year:

No changes are expected for 2012.

V. PLAN SPECIFIC REQUIREMENTS

A. Collection and Display Report – SCDNR requires applicants to hold a federal collection permit in addition to a state permit to collect any specimens for display. Five collection permits were issued in 2011. All data associated with these permits are submitted directly to the Highly Migratory Species division of the National Oceanic and Atmospheric Administration.

B. Research Report – As part of ongoing research projects on the age and growth of the bonnethead shark and reproduction of the blacknose shark (NMFS Grant # NA10NMF4540112), the following sharks were sacrificed.

Species	Location	Gear	Sex	FL	TL	Comments
Finetooth	Bulls Bay	Gillnet	M	655	864	Genetics
Bonnethead	Bulls Bay	Gillnet	F	998	1226	Age and Growth
Blacknose	Charleston Harbor	Longline	M	1063	1302	Reproduction
Blacknose	Charleston Harbor	Longline	F	1115	1373	Reproduction
Blacknose	Charleston Harbor	Longline	M	931	1148	Reproduction
Blacknose	Charleston Harbor	Longline	F	1065	1299	Reproduction
Blacknose	Charleston Harbor	Longline	F	1046	1283	Reproduction
Bonnethead	North Edisto	Gillnet	M	710	897	Age and Growth
Blacknose	Charleston Harbor	Longline	F	1128	1371	Reproduction
Blacknose	Charleston Harbor	Longline	F	1013	1245	Reproduction
Blacknose	Charleston Harbor	Longline	F	1058	1292	Reproduction
Blacknose	Charleston Harbor	Longline	F	1095	1334	Reproduction
Blacknose	Charleston Harbor	Longline	M	921	1142	Reproduction

Blacknose	Port Royal Sound	Longline	M	925	1142	Reproduction
Blacknose	St. Helena Sound	Longline	M	997	1215	Reproduction
Blacknose	St. Helena Sound	Longline	F	970	1190	Reproduction
Blacknose	St. Helena Sound	Longline	M	898	1113	Reproduction
Blacknose	St. Helena Sound	Longline	M	980	1208	Reproduction
Blacknose	Winyah Bay	Longline	F	1019	1256	Reproduction
Blacknose	Winyah Bay	Longline	F	1090	1333	Reproduction



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

September 27, 2012

Danielle Chesky
Coastal Sharks FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington VA, 22201

Danielle:

Please find attached the Georgia 2011 Coastal Sharks Compliance Report. Let me know if you require additional information.

Sincerely,

Carolyn N. Belcher, PhD

Carolyn N. Belcher, PhD
Research and Surveys Program Manager

cc: Pat Geer

Georgia Coastal Sharks Compliance Report for the Year 2011

I. Introduction

A variety of shark species occur in Georgia waters throughout the year, however, the highest abundances occur from mid-April through October. Georgia does not allow for the use of gillnets or longline in state waters and as such there is no directed commercial harvest of shark species. However, Georgia does have one active Federal shark dealer and 2 active fishing vessels that land shark species captured outside of the three mile limit. Recreationally, shark species are frequently encountered during the summer months; however, relatively speaking, the number of directed trips for coastal shark species is low compared to those directed for popular finfish such as red drum, southern kingfish and spotted seatrout.

II. Previous calendar year's fishery and management program

a. Recreational Landings

See Table 1.

b. Commercial Landings

Commercial landings for sharks are confidential given there are only one federally permitted dealer and two active vessels in Georgia.

c. Activity and results of fishery dependent monitoring

Although a directed fishery for sharks does not exist in Georgia waters, there are a few fishery dependent sampling programs used by the Coastal Resources Division that could encounter bycatch of shark species. The 2011 data for each program are provided below.

TIP Sampling - Coastal Resources Division (CRD) personnel continue to participate in the collection of biometric and catch/effort data from offshore commercial finfish fishing trips using NMFS Trip Interview Program (TIP) collection protocol. During 2011 TIP sampling was conducted; however, no shark species were observed.

Bycatch Characterization - CRD conducts fishery-dependent bycatch characterization studies aboard large trawl whelk vessels. These studies are supported through CRD's federally funded Atlantic Coastal Fisheries Cooperative Management Act (P.L. 103 - 206) project. Participation in the whelk fishery continues to diminish. Observers were able to log one trip during this reporting period, observing 4 tows. No shark species were observed in these tows.

Marine Sportfish Carcass Recovery Project - The Marine Sportfish Carcass Recovery Project, a partnership with recreational anglers along the Georgia coast, is used to collect biological data from finfish such as red drum, spotted seatrout, southern flounder, sheepshead, and southern kingfish. Chest freezers were located

at public access points along the Georgia coast. Each freezer is clearly marked and contains a supply of plastic bags, pencils, and data card. Anglers place their filleted fish carcasses in plastic bags along with completed data in the freezer. CRD personnel collect the carcasses and process them to determine species, length, and gender. Sagittal otoliths are removed and processed to determine the age of the fish. In 2011, a total of 4,349 fish carcasses were donated through this program. No coastal shark species were included.

d. Activity and results of fishery independent monitoring

Georgia has a number of fishery independent surveys that sample in areas where coastal shark species are encountered and one survey specifically designed to sample subadult sharks in Georgia's inshore waters.

Adult Red Drum Survey (SEAMAP)

Sampling occurs in inshore and nearshore waters of southeast Georgia and in offshore waters of northeast Florida. Sampling occurs from mid-April through the end of December. Sampling gear consists of a bottom set 926m, 600lb test monofilament mainline configured with 60, 0.5 m gangions made of 200lb test monofilament. Each gangion consists of a longline snap and either a 12/0 or 15/0 circle hook. Thirty hooks of each size are deployed during each set. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2011, CRD staff deployed 284 sets consisting of 17,028 total hooks and 142 hours of total soak time. A total of 770 sharks, representing 12 species were captured during the 2011 season (Table 2).

Shark Nursery Survey (COASTSPAN)

Sampling occurs in the inshore waters of St. Simons and St. Andrew sounds. Sampling occurs from mid-April through the end of September. Sampling gear consists of a 305 m braided rope mainline configured with 50, 1 m gangions made of 200lb test monofilament. Each gangion is configured with a longline snap and a 12/0 circle hook. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2011, CRD staff fished 120 longline stations consisting of 6,000 hooks and a total of 60 hours of soak time. No spiny dogfish were captured. A total of 407 sharks, representing 7 species were captured during 2011 (Table 2).

Ecological Monitoring Survey (EMS)

Each month, a 40-foot flat otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 42 stations across six estuaries. At each station, a standard 15 minute tow is made. During this report period, 504 tows/observations were conducted, totaling 127.00 hours of tow time. A total of 288 sharks, representing 5 species were captured during 2011 (Table 2).

Juvenile Trawl Survey (JTS)

Monitoring of estuarine finfish and crustaceans in the lower salinity, upriver sectors of selected estuaries is done monthly as part of the Juvenile Trawl Survey conducted onboard the research vessel *Navigator*. A 20-foot semi-balloon otter trawl is towed for 5 minutes at 18 stations allocated across three Georgia estuaries. In 2011, 210 tows (observations) were conducted, totaling 17.41 hours of tow time. No sharks were observed during the 2011 season.

Marine Sportfish Population Health Survey (MSPHS)

The MSPHS is a multi-faceted ongoing survey used to collect information on the biology and population dynamics of recreationally important finfish. Currently two Georgia estuaries are sampled on a seasonal basis using entanglement gear.

During the June to August period, young-of-the-year red drum in the Altamaha/Hampton River and Wassaw estuaries are collected using gillnets to gather data on relative abundance and location of occurrence. During the September to November period, fish populations in the Altamaha/Hampton River and Wassaw estuaries are monitored using monofilament trammel nets to gather data on relative abundance and size composition. In 2011, a total of 216 gillnet and 150 trammel net sets were made, resulting in the capture of 217 individuals representing four species of coastal sharks (Table 2).

e. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP

See Attachment 1.

f. Review of progress in implementing habitat recommendations

N/A

III. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect

All current regulations regarding coastal sharks remain in effect through 2012. Rule 391-2-4.04 restricts fishermen to the use of handline or rod and reel for shark species. Coastal sharks are managed in two groups: (1) "Sharks" defined as all species of sharks other than those comprising the "small shark composite" and the following: sandtiger, sandbar, silky, bigeye sandtiger, whale, basking, white, dusky, bignose, galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill,

bluntnose sixgill, and bigeye sixgill; and (2) “Small Shark Composite” which includes Atlantic sharpnose shark, bonnethead and spiny dogfish.

Atlantic sharpnose sharks and bonnetheads are restricted to a 30” FL minimum size and a creel limit of 1 per person per day. Species identified by the “Sharks” grouping are limited to 1 per person per boat whichever is less and a 54” FL minimum size. The fishing season is open year round. No person operating as a dealer may buy or sell “Sharks” and “Small Shark Composite” species caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached. Any commercial catch from state waters would be restricted to the daily creel and size limits. All coastal sharks must be landed whole, and transfer at sea is prohibited.

b. Summarize monitoring programs that will be performed

Pursuant to Georgia law (O.C.G.A. Section 27-4-118 and Board of Natural Resources Rule 391-2-4-.09) all commercial harvesters landing seafood in Georgia are required to record their harvest and submit these records to the Department of Natural Resources. Historically, Georgia's commercial seafood landings have been collected as part of the NMFS Cooperative Statistics Program. As Georgia’s participation in ACCSP continues, catch/effort and economic information have been added to the harvest data collected for every commercial fishing trip terminating in Georgia. These data are collected monthly and afford Georgia’s marine fishery managers the opportunity to conduct real time monitoring of the status and trends in our commercial fisheries.

Monitoring of the commercial fishery for both bycatch characterization and landings will continue. O.C.G.A 27-4-110 requires that anyone wishing to engage in commercial fishing in the salt waters of Georgia must obtain a commercial fishing license. Further O.C.G.A. 27-4-118 requires that each commercial fisherman maintain a record and report their landings to and in a manner specified by the Department of Natural Resources. Those reporting requirements are detailed in Board Rule 391-2-4-.09. Additionally, any Georgia seafood dealer must be licensed by the Department of Agriculture (O.C.G.A. 26-2-312) and maintain records and report to the Department of Natural Resources per O.C.G.A 27-4-136 and Board Rule 391-2-4-.09.

The Ecological Monitoring Survey, Juvenile Trawl Survey, Adult Red Drum Survey, Shark Nursery Survey, Marine Sportfish Carcass Recovery Project, and Marine Sportfish Population Health Survey will continue in 2012.

c. Highlight any changes from the previous year

N/A

Table 1. Marine Recreational Information Program (MRIP) catch summary for coastal shark species captured in waters off Georgia during 2011.

	Harvest Numbers (A+B1)	PSE (A+B1)	Observed Harvest (A)	PSE (A)
SHARKS, REQUIEM	3,405	94.1	0.0	0.0
SHARK, ATLANTIC SHARPNOSE	2,390	56.2	2,390.1	56.2
SHARK, BONNETHEAD	2,362	80.3	424.9	73.0
SHARK, SPINNER	18	116.9	18.5	116.9
SHARK, LEMON	14	105.1	14.1	105.1
SHARK	0	0.0	0.0	0.0
SHARK, BLACKNOSE	0	0.0	0.0	0.0
SHARK, BLACKTIP	0	0.0	0.0	0.0
SHARK, BULL	0	0.0	0.0	0.0
SHARK, FINETOOTH	0	0.0	0.0	0.0
SHARK, HAMMERHEAD, SCALLOPED	0	0.0	0.0	0.0
SHARK, NURSE	0	0.0	0.0	0.0
SHARK, SANDBAR	0	0.0	0.0	0.0
SHARK, TIGER	0	0.0	0.0	0.0
SHARKS, HAMMERHEAD	0	0.0	0.0	0.0

	Numbers Released Alive (B2)	PSE (B2)	Total Catch Numbers (A+B1+B2)	PSE (A+B1+B2)
SHARKS, REQUIEM	295,049	22.9	298,454	22.6
SHARK, BONNETHEAD	119,323	28.2	121,685	27.7
SHARK, ATLANTIC SHARPNOSE	43,968	33.4	46,358	31.8
SHARKS, HAMMERHEAD	3,064	62.6	3,064	62.6
SHARK, BLACKTIP	2,695	38.2	2,695	38.2
SHARK, SANDBAR	327	85.6	327	85.6
SHARK, NURSE	292	99.6	292	99.6
SHARK, BLACKNOSE	259	55.4	259	55.4
SHARK, TIGER	200	92.6	200	92.6
SHARK, SPINNER	88	94.4	106	80.5
SHARK	68	83.0	68	83.0
SHARK, LEMON	33	80.0	47	64.2
SHARK, BULL	18	116.9	18	116.9
SHARK, HAMMERHEAD, SCALLOPED	15	83.2	15	83.2
SHARK, FINETOOTH	14	107.0	14	107.0

Table 1. Cont'd.

	Weight* (Lb) of Harvest (A+B1)	PSE Weight (A+B1)
SHARK, BONNETHEAD	20,196	78.7
SHARK, ATLANTIC SHARPNOSE	17,224	57.3
SHARK, LEMON	1,163	105.1
SHARK, SPINNER	1,040	116.9
SHARK	0	0.0
SHARK, BLACKNOSE	0	0.0
SHARK, BLACKTIP	0	0.0
SHARK, BULL	0	0.0
SHARK, FINETOOTH	0	0.0
SHARK, HAMMERHEAD, SCALLOPED	0	0.0
SHARK, NURSE	0	0.0
SHARK, SANDBAR	0	0.0
SHARK, TIGER	0	0.0
SHARKS, HAMMERHEAD	0	0.0
SHARKS, REQUIEM	0	0.0

* Use Caution With Weight Estimates!

Weight estimates are only calculated for harvest (A+B1), not for harvest type A only or type B1 only or type B2 catch (released alive fish).

Released alive catch (B2) weight cannot be estimated because these fish generally are different sizes from harvested fish due to regulatory limits or angler preference, hence it would be inappropriate to apply the average harvested (A+B1) size to the released fish number.

Total catch includes released alive fish (type B2) so total catch weight cannot be computed for the total catch estimates.

Weight estimates are minimums and may not reflect the actual total weight landed or harvested.

Table 2. Numbers of coastal sharks captured in Georgia fishery independent surveys in 2011 by species and by survey.

	SEAMAP	COASTSPAN	EMS	MSPHS
Atlantic sharpnose shark	534	233	144	95
Blacknose shark	81	1	0	0
Bonnethead	61	116	135	120
Sandbar shark	48	45	1	0
Blacktip shark	22	6	5	1
Tiger shark	6	0	0	0
Spinner shark	2	1	0	0
Scalloped hammerhead	7	5	3	0
Finetooth shark	2	0	0	1
Smooth dogfish	4	0	0	0
Nurse shark	2	0	0	0
Spiny dogfish	1	0	0	0
All Species Combined	770	407	288	217

Attachment 1. Georgia's current coastal shark regulations . Last updated April 14, 2010.
Pertinent code is highlighted in yellow.

Saltwater Fishing Regulations

Chapter 391-2-4

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION**

**CHAPTER 391-2-4
SALTWATER FISHING REGULATIONS**

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391-2-4-.04 Saltwater Finfishing

391-2-4-.04 Saltwater Finfishing.

(1) **Purpose.** The purpose of these Rules is to implement the authority of the Board of Natural Resources to promulgate rules and regulations based on sound principles of wildlife research and management, establishing the seasons, creel limits, and minimum sizes for certain finfish.

(2) **Definitions.**

(a) "Daily creel limit" means the lawful amount of a species of finfish that a person may take in one day or possess at any one time, except at one's place of abode or at a commercial storage facility provided the Board has not prohibited sale of that species.

(b) "Minimum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, below which size it is unlawful to possess that finfish species.

(c) "Open Season" means that specified period of time during which one may take from any of the waters of this state certain finfish species.

Chapter 391-2-4

Saltwater Fishing Regulations

(d) "Sharks" means all species of sharks other than those comprising the small shark composite as defined in subparagraph 2(e) and the following: Sand tiger, Sandbar, Silky, Bigeye sand tiger, Whale, Basking, White, Dusky, Bignose, Galapagos, Night, Reef, Narrowtooth, Caribbean sharpnose, Smalltail, Atlantic angel, Longfin mako, Bigeye thresher, Sharpnose sevengill, Bluntnose sixgill, and Bigeye sixgill.

(e) "Small Shark Composite" means a group of sharks inclusive of Atlantic sharpnose, Bonnethead, and Spiny dogfish.

(f) “Handline” means a mainline to which no more than two hooks are attached and which is retrieved by hand without the aid of mechanical devices.

(3) **Seasons.** The following species may be taken in accordance with the seasons set forth below, except as otherwise specifically provided herein:

	SPECIES	SEASON
(a)	Spanish mackerel	Mar. 16—Nov. 30
(b)	King mackerel	All Year
(c)	Cobia	Mar. 16—Nov. 30
(d)	Red Snapper	All Year
(e)	Gag grouper	All Year
(f)	Amberjack	Mar. 16—Dec. 31
(g)	Black sea bass	All Year
(h)	Bluefish	Mar. 16—Nov. 30
(i)	Sheepshead	All Year
(j)	Reserved	
(k)	Reserved	
(l)	Reserved	
(m)	Tarpon	Mar. 16—Nov. 30

Saltwater Fishing Regulations

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(n)	Atlantic sturgeon	No Open Season has been established by the Board of Natural Resources.
(o)	Reserved	
(p)	Red Drum	All Year
(q)	Dolphin	All Year
(r)	Small Shark Composite	All Year
(s)	Sharks	All Year
(t)	Red Porgy	All Year

(4) **Daily Creel Limits and Possession Limits.** The following species may be taken in accordance with the daily creel limits and possessed in accordance with the limits set forth below, except as otherwise specifically provided herein:

	SPECIES	DAILY CREEL LIMIT	POSSESSION LIMIT
(a)	Spanish mackerel	15	15
(b)	King mackerel	3	3
(c)	Cobia	2	2
(d)	Red snapper	2	2
(e)	Gag grouper	2	2
(f)	Amberjack	1	1
(g)	Black sea bass	15	15

(h)	Bluefish	15	15
(i)	Sheepshead	15	15
(j)	Reserved		
(k)	Reserved		
(l)	Reserved		
(m)	Tarpon	1	1

Chapter 391-2-4

Saltwater Fishing Regulations

(n)	Atlantic sturgeon	This species may not be taken or possessed as no Open Season has been established by the Board of Natural Resources.	
(o)	Reserved		
(p)	Red Drum	5	5
(q)	Dolphin	10 per person not to exceed 60 per boat, except headboats with a valid certificate of inspection would be allowed a bag limit of 10 dolphin per paying passenger	10 per person not to exceed 60 per boat, except headboats with a valid certificate of inspection would be allowed a bag limit of 10 dolphin per paying passenger
(r)	Small Shark Composite	1	1
(s)	Sharks	1 per person or boat	1 per person or boat
(t)	Red Porgy	3	3

(5) **Minimum Size Limits.** It shall be unlawful to have in possession the following species less than the minimum size limits set forth below, except as otherwise specifically provided herein:

SPECIES	MINIMUM SIZE LIMIT
(a) Spanish mackerel	twelve inches (12") fork length

Saltwater Fishing Regulations

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1. A catch of Spanish mackerel under the minimum size limit is allowed equal to five percent by weight of the total catch of Spanish mackerel on board a trawler.

- (b) King mackerel twenty-four inches (24") fork length
- (c) Cobia thirty-three inches (33") fork length
- (d) Red snapper twenty inches (20") total length
- (e) Gag grouper twenty-four inches (24") total length
- (f) Amberjack twenty-eight inches (28") fork length
- (g) Black sea bass eleven inches (11") total length
through June 30, 2007
twelve inches (12") total length beginning July 1, 2007
- (h) Bluefish twelve inches (12") fork length
- (i) Sheepshead ten inches (10") total length
- (j) Reserved
- (k) Reserved
- (l) Reserved
- (m) Tarpon sixty-eight inches (68") fork length
- (n) Atlantic sturgeon This species may not be possessed
as no Open Season has been established by the Board of Natural
Resources.
- (o) Reserved
- (p) Red drum fourteen inches (14") total length
- (q) Dolphin twenty inches (20") fork length
- (r) Small Shark thirty inches (30") fork length
- Composite
- (s) Sharks fifty-four inches (54") fork length
- (t) Red porgy fourteen inches (14") total length

(6) Restrictions on Sale. It shall be unlawful for any person in this state to sell, purchase, or barter any of the following species or part thereof, except as otherwise specifically provided herein:

Chapter 391-2-4 Saltwater Fishing Regulations

(a) No person operating as a dealer may buy or sell Sharks and Small Shark Composite species caught in state waters without first obtaining a federal Commercial Shark Dealer Permit and when state or federal quotas for species within those groups have been reached.

(b) Tarpon.

(c) From April 1 through April 30, no person may sell amberjack harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale during April does not apply to amberjack that were harvested, landed ashore, and sold prior to April 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of amberjack harvested from another management area other than Georgia or the South Atlantic Exclusive Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.

(d) From March 1 through April 30, no person may sell gag grouper harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from March 1 through April 30 does not apply to gag grouper that were harvested, landed ashore, and sold prior to March 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of gag grouper harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.

(e) From January 1 through April 30, no person may sell red porgy harvested from Georgia waters or from the South Atlantic Exclusive Economic Zone. The prohibition on sale from January 1 through April 30 does not apply to red porgy that were harvested, landed ashore, and sold prior to January 1 and were held in cold storage by a dealer or processor. This prohibition also does not apply to a dealer's purchase or sale of red porgy harvested from another management area other than Georgia or the South Atlantic Exclusive Economic Zone, provided such fish is accompanied by documentation of harvest outside of Georgia waters or the South Atlantic.

(7) Possession and Landing Specifications.

(a) All fish subject to minimum size and creel limits specified in Rules 391-2-4-.04(4) and 391-2-4-.04(5) may be possessed in state waters or landed only with head and fins intact.

(b) It shall be unlawful to transfer at sea in State waters from a fishing vessel to any other vessel or person any fish caught which are subject to the minimum creel limits and minimum size limits specified in Rules 391-2-4-.04(4) and 391-2-4-.04(5).

(c) Except as otherwise provided by law, it shall be unlawful to fish for sharks or small shark composite species for recreational purposes with any gear other than rod and reel or handline as defined in subparagraph (2)(f) above.

Authority O.C.G.A. Secs. 12-2-24, 27-1-4, 27-4-130.1. **History.** Original Rule entitled "Saltwater Finfishing" adopted. F. Aug. 24, 1989; eff. Sept. 13, 1989. **Amended:** F. July 30, 1991; eff. Aug. 19, 1991. **Amended:** F. Feb. 26, 1992; eff. Mar. 17, 1992. **Amended:** F. July 22, 1992; eff. Aug. 11, 1992. **Amended:** F. July 26, 1993; eff. Aug. 15, 1993. **Amended:** F. Nov. 3, 1995; eff. Nov. 23, 1995. **Amended:** ER. 391-2-4-0.34-.04 adopted. F. and eff. Jan. 29, 1997, the date of adoption, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter is adopted, as specified by the Agency. **Amended:** F. Apr. 23, 1997; eff. May 13, 1997. **Amended:** F. Oct. 23, 1998; eff. Nov. 12, 1998. **Amended:** F. Oct. 28, 1999; eff. Nov. 17, 1999. **Amended:** F. Aug. 28, 2001; eff. Sept. 17, 2001. **Amended:** F. Dec. 8, 2006; eff. Dec. 28, 2006. **Amended:** Feb. 11, 2009; eff. Mar. 3, 2009. **Amended:**

**2011-12 Atlantic States Marine Fisheries Commission Compliance Report
For Coastal Sharks in Florida**



Florida Fish and Wildlife Conservation Commission
Fish and Wildlife Research Institute
100 8th Avenue Southeast
St. Petersburg, FL 33701

Executive Summary

I. INTRODUCTION

Florida has proactively managed sharks statewide since 1992. At that time Florida adopted a one shark per person, two sharks per vessel maximum bag limit, required commercial harvesters to abide by the same regulations and to hold a valid federal commercial vessel shark permit. Additionally, in 1993 Florida prohibited the use of longlines in state waters and in 1995 banned the use of all entangling nets, therefore, commercial shark harvesters in state waters of Florida have been restricted to using hook and line gear only since the mid 1990's. These measures not only greatly reduce the numbers of sharks harvested in state waters off Florida, but greatly reduce the by-catch mortality associated with the commercial harvest of sharks in Florida waters.

Florida continues to carefully manage our Atlantic Coastal sharks (ACS) by not only implementing all of the ASMFC Shark ISFMP for ACS requirements (except the blacktip minimum size), but by going beyond the requirements and applying the requirements in Gulf of Mexico state waters off Florida, by requiring commercial harvesters to follow all of the recreational requirements (including recreationally prohibited species) and by prohibiting the use of natural bait with treble hooks. Further, Florida has prohibited all harvest of lemon sharks (effective March 23, 2010), and also smooth hammerhead, scalloped hammerhead, great hammerhead, and tiger sharks (effective January 1, 2012). The State of Florida is also investigating requiring circle hooks to be used when targeting sharks.

The state of Florida continues to regulate the catch and harvest of ACS along its Atlantic coast and conducts year-round fisheries dependent monitoring to provide valuable recreational and commercial effort and harvest data for ACS, used for continued management of these species within state and federal waters. There have been no significant changes the State of Florida regulations used to manage ACS over the previous year. In 2011, 24,271 lbs. of small coastal sharks (commercial: 10,706 lbs., recreational: 13,565 lbs.), 38,170 lbs. of large coastal sharks (commercial: 3,752 lbs., recreational: 34,418 lbs.), and 1,120 lbs. of pelagic sharks (all commercial) were harvested in Florida state waters of the Atlantic Ocean.

II. REQUEST FOR *de Minimis* STATUS

The state of Florida does not request *de minimis* status at this time.

III. PREVIOUS CALENDER YEAR'S FISHERY AND MANAGEMENT PROGRAM

A. Activities and Results of Fishery Dependent Monitoring Program

The state of Florida collects data from commercial harvesters and dealers to generate

statistics on the shark species and quantities landed. Since 1986, Florida has used a mandatory reporting system to collect the marine fisheries catch and effort data used to monitor commercial fisheries in the state. Every time an angler sells saltwater fish, shellfish or other marine life to a wholesale dealer, the dealer records the transaction on a marine fisheries trip ticket and sends the ticket to the Florida Fish and Wildlife Conservation Commission (FWC). Dealers send hundreds of thousands of marine fisheries trip tickets to the FWC each year. These data are compiled at the Fish and Wildlife Research Institute for use in assessments of marine fish and invertebrate populations and for analyses that are useful for the management of fisheries.

The state of Florida also collects data from recreational anglers to generate statistics on the effort, catch, and harvest of shark species in the state. This is done through a federal program known as the National Marine Fisheries Service's Marine Recreational Information Program (MRIP, formerly known as the Marine Recreational Fishery Statistics Survey or MRFSS), which estimates recreational saltwater catch and fishing effort. This survey is conducted in nearly all coastal states and has been gathering data on saltwater recreational fishing since 1979. The MRIP is composed of two separate surveys; one survey collects catch information and the other counts the number of fishing trips made in order to estimate effort. Visit the MRIP at <http://www.st.nmfs.gov/st1/recreational/index.html>.

B. Activities and Results of the Fishery Independent Monitoring (FIM) Program

The Florida FWC does not have a fisheries-independent program to monitor Atlantic Coastal sharks.

C. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP

Chapter 68B-44, Florida Administrative Code (F.A.C.; <https://www.flrules.org>) houses the management regulations for sharks. Exemptions to these rules for the purposes of scientific research or education/exhibition are provided for under the Marine Special Activity License Rule (68B-8, F.A.C.). Licensing requirements are found in 379, Florida Statutes (F.S.; <http://www.leg.state.fl.us/Statutes>). See appendix A for a complete copy of the relevant rule language.

With the approval of ASMFC, Florida adopted regulations with equivalent or greater conservation efficacy for the following three compliance measures.

4.2.4 Recreational Minimum Size Limits

The State of Florida prohibits the harvest of any shark less than 54 inches in fork length (FL), with the exception of Atlantic sharpnose, blacknose, blacktip, bonnethead, finetooth and smooth dogfish (68B-44.007, F.A.C.). A request to exempt blacktip sharks from the minimum size limit rule was approved by the ASMFC board in the spring of 2010, based upon Florida's application for conservation equivalency (submitted April 2010). Florida

regulations are of equivalent or greater conservation efficacy because Florida constrains all shark harvesters to recreational regulations, including bag limits (one per harvester, 68B-44.003 (1), F.A.C.) and gear (hook and line only, 68B-44.003 (2), F.A.C.). Therefore, Florida has no real commercial fishery. In state waters a commercial harvester is allowed one blacktip shark per day. Additionally, entangling nets such as gill nets have been banned in Florida state waters since 1995. This net limitation has dramatically reduced the bycatch of neonate and juvenile sharks in coastal nursery areas throughout Florida.

The Florida FWC will continue to closely monitor the recreational harvest of blacktip sharks in future years to ensure that the approved size limit exemption does not result in increased fisheries pressure on juvenile and/or sub-adults of this species. Since the year 2000, the mean size of blacktip sharks within the recreational harvest from Florida state waters of the Atlantic Ocean has ranged from 24.3 – 55.1 inches FL (Table 1). Mean length estimates in 2011 (18.3 inches FL) were reduced from recent years. The recreational harvest of blacktip sharks in Florida’s state waters of the Atlantic Ocean have ranged from 103 to 6,404 sharks per year (avg. 1,634 sharks per year) and from 6,248 – 118,249 pounds (avg. 28,394 lbs. per year) between the years 2000 and 2010. Blacktip shark landings in 2011 (n = 574; 1,012 lbs.) were well below average for Florida state waters (Table 1).

Table 1. Recreational catch statistics (mean fork length, numbers harvested, total weight harvested) for blacktip sharks caught in Florida state waters of the Atlantic Ocean (2000 – 2011). Data queried from the NMFS Marine Recreational Information Program (MRIP, <http://www.st.nmfs.noaa.gov/st1/recreational/overview/overview.html>)

YEAR	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
FL (inches)	54.2	.	43.6	25.3	24.3	30.6	49.4	29.1	31.5	55.1	48.8	18.3
Total Harvest (A+B1)	1,414	2,333	1,617	1,500	848	6,404	1,774	1,077	581	103	328	574
Harvest Total weight (A+B1, lbs)	3,990	15,238	27,567	6,248	5,206	97,509	118,249	9,714	7,627	6,347	14,638	1,012

4.2.7.2 Recreational Vessel-Fishing Possession Limit

The State of Florida limits a single angler to one shark per day whether fishing from shore or a vessel (68B-44.003, F.A.C.). Additionally, a vessel in state waters with two or more people is limited to two sharks total per day and commercial harvesters in state waters are required to abide by the recreational bag limit. Therefore, our vessel-possession limit is more restrictive than the ASMFC Shark ISFMP regarding the total number of sharks harvested. Furthermore, with the inclusion of the minimum size limits (68B-44.007, F.A.C.), most legal sharks caught in state waters are bonnethead and Atlantic sharpnose. Therefore, the current state limit is more restrictive than section 4.2.7.2 of the ASMFC Shark ISFMP because the State of Florida restricts the number of sharks to a total of two

on a vessel regardless of species, while the ASMFC Shark ISFMP allows an additional bonnethead and an additional Atlantic sharpnose for each person on board the vessel.

4.3.9 Authorized Commercial Gear

Florida regulations allow only “hook and line gear” for recreational and commercial harvest of sharks from state waters (68B-44.003 (2), F.A.C.). Hook and line gear is defined as “any handline, rod, reel, or any pole to which hook and line are attached, as well as any bob, float, weight, lure, plug, spoon, or standard bait attached thereto, with a total of ten or fewer hooks” (68B-4.002 (5), F.A.C.). Because we already constrain our commercial harvesters to the same gear, bag limits, and size limits as our recreational harvesters, the ASMFC agreed that restricting handlines to two hooks is unnecessary. This rule is more restrictive than sections 4.3.9 of the ASMFC Shark ISFMP because the state’s gear restrictions apply to both our commercial and recreational fishery.

Florida is consistent with the remaining compliance measures (Table 2).

Table 2. ASMFC coastal shark Interstate Fishery Management Plan compliance measures and Florida’s current fishing regulations for coastal sharks.

Compliance Measure	Relevant Regulations	Notes
4.2.1, Recreational Seasonal Closure	N/A	Required closure does not apply to waters off Florida
4.2.2, Recreationally Permitted Species	68B-44.008, F.A.C.	Florida’s list of prohibited species applies to all harvesters and includes all those which are illegal to land by recreational anglers in federal waters
4.2.3, Landings Requirements	68B-44.002 (1) and 68B-44.004 (1), F.A.C.	Possession of a finned shark is prohibited, all sharks harvested from state waters must be landed in a whole condition
4.2.4, Recreational Minimum Size Limits	68B-44.0007, F.A.C.	Recreational size limits for all species other than blacktip sharks are compliant with the requirement*
4.2.5, Authorized Recreational Gear	68B-44.003 (2), F.A.C.	All harvesters are limited to the use of hook and line gear
4.2.7, Recreational Possession Limits	68B-44.003 (1), F.A.C.	All harvesters (recreational and commercial) are limited to one shark per person and two per vessel, regardless of species*
4.3.2, Commercial Seasonal Closure	N/A	Required closure does not apply to waters off Florida
4.3.4, Commercial Quota Specifications	68B-44.006, F.A.C.	The commercial season for any shark species automatically closes in Florida’s state waters of the Atlantic whenever adjacent federal waters close, or if the ASMFC closes state waters of the Atlantic to the commercial harvest of that species
4.3.5, Commercial Seasons	68B-44.006, F.A.C.	Regulations dictate that the commercial season automatically follows SAFMC closures, regardless of how the quota is allotted
4.3.6, Commercial Possession Limits	68B-44.003 (1), F.A.C.	Commercial harvesters are limited to one shark per person and two per vessel
4.3.8.1, Commercial Permit Requirement	68B-44.003 (1) and 68B-44.005 (1), F.A.C., and 379.361 (2), F.S.	Commercial harvesters are limited to the same species and bag limits applied to recreational harvesters. Commercial harvesters are required to hold a federal vessel permit for sharks and Florida commercial fishing license (Saltwater Products License)
4.3.8.2, Display and Research Permits	68B-8.006, 68B-8.007 and 68B-8.009, F.A.C.	Exemptions to state harvest regulations for research or exhibition purposes require a Marine Special Activity License (SAL). SAL holders are required to report their activities annually
4.3.8.3, Dealer Permit	68B-44.005 (3), F.A.C.	Wholesale dealers are required to hold a federal Atlantic shark

		dealer permit in order to purchase a shark for the first time after it is landed
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*See explanation of conservation equivalency measures in section III C.

Table 2 (continued). ASMFC coastal shark Interstate Fishery Management Plan compliance measures and Florida’s fishing regulations for coastal sharks.

Compliance Measure	Relevant Regulations	Notes
4.3.9, Authorized Commercial Gear	68B-44.003 (2), F.A.C.	All harvesters are limited to the use of hook and line gear*
4.3.10, Bycatch Reduction Measures	68B-44.003 (2), F.A.C.	N/A, state regulations limit harvest to hook and line gear
4.3.11, Finning and Identification	68B-44.004 (1), F.A.C.	Finning is prohibited, all sharks harvested must be landed in a whole condition

*See explanation of conservation equivalency measures in section III C.

D. Harvest broken down by commercial and recreational and non-harvest losses

Data for commercial landings of sharks in Florida state waters in the Atlantic Ocean came from the FWC’s Marine Fisheries Information System, see http://research.myfwc.com/features/view_article.asp?id=19224. Landings of small coastal sharks in 2011 (10,706 lbs) nearly doubled from the previous year and were significantly higher than the average landings seen over the previous decade (~2,017 lbs. per year, Table 3). From 2001 – 2010 an average of 20,882 lbs. of large coastal sharks was harvested per year from Florida state waters of the Atlantic Ocean by commercial fishermen. However, in 2011, only 3,752 lbs. of large coastal sharks were harvested (Table 3). Pelagic sharks are rarely taken by the commercial fishery within Florida state waters. In 2011, only 1,120 lbs. of pelagic sharks were harvested from state waters of the Atlantic (Table 3).

Table 3. Commercial landings (total lbs.) of sharks in Florida state waters of the Atlantic Ocean (2001 – 2011), by federal management species grouping.

Total pounds Harvested

Year	SCS	LCS	PELAGICS
2001	172	2,746	126
2002	7,920	60,876	.
2003	236	30,356	225
2004	115	14,721	.
2005	879	6,756	.
2006	176	6,244	182
2007	348	2,899	877
2008	1,150	7,461	.
2009	3,767	58,506	164
2010	5,409	18,254	.
2011	10,706	3,752	1,120

Recreational fishing activity within Florida state waters was monitored through the Marine Recreational Information Program (MRIP, <http://www.st.nmfs.noaa.gov/st1/recreational/overview/overview.html>). In 2011, 13,565 lbs. of small coastal sharks, 34,418 lbs. of large coastal sharks, and no pelagic sharks were harvested by recreational anglers in Florida state waters within the Atlantic Ocean (Table 4). Both small and large coastal landings were reduced from the decadal averages of approximately 82,179 lbs. (ranging from 21,417 – 206,739) and 197,217 (ranging from 15,560 – 800,569), respectively (Table 4).

Table 4. Recreational landings (total lbs.) of sharks in Florida state waters of the Atlantic Ocean (2000 – 2011), by federal management species grouping.

Total pounds harvested

YEAR	SCS	LCS	PELAGICS
2001	206,739	180,287	0
2002	70,045	127,604	0
2003	176,344	206,482	0
2004	85,172	800,569	0
2005	29,165	226,780	0
2006	33,615	257,259	0
2007	126,506	30,625	0
2008	47,456	96,582	0
2009	21,417	30,424	0
2010	25,339	15,560	0
2011	13,565	34,418	0

In addition to recreational and commercial harvest, the FWC authorizes the take of limited numbers of sharks for scientific research and education/exhibition purposes through the Marine Special Activity License (SAL) program. An SAL is also required to collect and temporarily possess or harvest prohibited shark species. No SALs were issued in 2009 that authorized the take of prohibited shark species (Table 5). However several SALs were issued between 2010 and 2012 authorizing the take of sand tiger and sandbar sharks, as well as lemon, tiger and great hammerhead sharks, the harvest of which is also prohibited in state waters of Florida. The majority of these SALs were for scientific research and limit allowable activities to temporary possession. Scientific research SALs were also issued in 2011 and 2012 to authorize the collection of blood and tissue samples only from whale sharks (Table 5).

Table 5. Numbers of scientific research (SRP) and exhibition (EP) Special Activity Licenses issued by license year for prohibited species of sharks and quantity of each prohibited species authorized for take.

License year	Species	SRP issued	Quantity of Take Authorized	EP issued	Quantity of Take Authorized	
2009	<i>No take of prohibited sharks authorized in 2009</i>					
2010	lemon shark	<i>Negaprion brevirostris</i>	1	20	1	4
	sandbar shark	<i>Carcharhinus plumbeus</i>	1	15	0	0
2011	lemon shark	<i>Negaprion brevirostris</i>	1	20	1	4
	sand tiger shark	<i>Carcharius taurus</i>	0	0	1	5
	sandbar shark	<i>Carcharhinus plumbeus</i>	1	15	0	0
	whale shark	<i>Rhincodon typus</i>	1	blood/tissue samples only	0	0
	great hammerhead shark	<i>Sphyrna mokkran</i>	1	10	0	0
	tiger shark	<i>Galeocerdo cuvier</i>	1	10	0	0
2012*	lemon shark	<i>Negaprion brevirostris</i>	2	12	1	3
	whale shark	<i>Rhincodon typus</i>	1	blood/tissue samples only	0	0

*As of 08/24/2012

E. Review of Progress in Implementing Habitat Recommendations

NA

IV. PLANNED MANAGEMENT PROGRAMS FOR THE CURRENT YEAR

A. Summarize regulations that will be in effect

State of Florida regulations for the harvest of coastal sharks remained the same from 2011 to 2012, with the exception of an amendment to our prohibited species (see Appendix A). In January 2012, the Florida FWC finalized an amendment to 68B-44.008, F.A.C., which added the tiger, scalloped hammerhead, smooth hammerhead, and great hammerhead sharks to the existing prohibited harvest list.

B. Summarize monitoring programs that will be performed

No changes to current Florida FWC monitoring programs are planned for 2012.

C. Highlight any changes from the previous year

The Florida FWC is currently developing an outreach campaign to promote catch and release fishing for sharks.

V. PLAN SPECIFIC REQUIREMENTS

A. Recreational seasonal closure as specified in Section 4.2.1.

NA

B. Recreational prohibition of species that are illegal to land by recreational anglers in federal waters.

The State of Florida conforms to and exceeds the ASMFC Shark ISFMP relative to shark species prohibited from harvest by recreational anglers in federal waters (Appendix A, 68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale).

C. All sharks caught by recreational fishermen must have head, tail, and fins attached to carcass. a. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.

The State of Florida conforms (Appendix A, 68B-44.004 Landing in Whole Condition; Transit Through State Waters) to the ASMFC Shark ISFMP relative to landing requirements (per ISFMP 4.2.3) and minimum size requirements (per ISFMP 4.2.4), with the exception of the blacktip shark being exempted from the minimum size rule (see section IIIC above for explanation of conservation equivalency and ASMFC approval).

D. Recreational anglers may only use handlines and rod & reel.

The State of Florida conforms to and is more conservative than the ASMFC Shark ISFMP relative to authorized recreational gears, as both recreational and commercial harvesters are limited to hook and line gear (Appendix A, 68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction).

E. Recreational possession limits as specified in Section 4.2.7.1 and 4.2.7.2, as modified by Addendum I (2009) for smooth dogfish.

The State of Florida conforms to and is more conservative than the ASMFC Shark ISFMP relative to recreational possession limits (Appendix A, 68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction; see also text above in section IIIC).

F. Commercial seasonal closure as specified in Section 4.3.2.

NA

G. Quota specifications as specified in Section 4.3.4.

The State of Florida conforms to the ASMFC Shark ISFMP.

H. Ability to allocate quotas seasonally as specified in Section 4.3.5.

The State of Florida conforms to the ASMFC Shark ISFMP based upon federally set quotas.

I. Possession limits as specified in Section 4.3.6.

The State of Florida conforms to the ASMFC Shark ISFMP based upon federally allowable species and possession limits. Species that are prohibited from harvest in Florida state waters that are not prohibited in federal waters are legal to transport through state of Florida waters per certain specifications (see Appendix A, 68B-44.004 Landing in Whole Condition; Transit Through State Waters & 68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale).

J. Commercial permit requirement.

The State of Florida conforms to the ASMFC Shark ISFMP relative to required federal permits for commercial fishermen. (Appendix A, 68B-44.005 Commercial Harvest of Sharks: Federal Permit Required).

K. Display and research permit requirements.

The State of Florida conforms to the ASMFC Shark ISFMP relative to research permits. (Appendix A, CHAPTER 68B-8, F.A.C.: MARINE SPECIAL ACTIVITY LICENSE PROGRAM).

L. Federal Commercial Shark Dealer Permit requirement.

The State of Florida conforms to the ASMFC Shark ISFMP relative to required federal dealers permit. (Appendix A, 68B-44.005 Commercial Harvest of Sharks: Federal Permit Required).

M. Prohibition of use of any gear type not listed in Section 4.3.9, as modified by Addendum I (2009).

The State of Florida conforms has taken conservation equivalency measures relative to the ASMFC Shark ISFMP relative to authorized gears (Appendix A, 68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction; See explanation of conservation equivalency measures in section III C above.).

N. Shortline and gillnet bycatch reduction measures as specified in section 4.3.10, as modified by Addendum I (2009).

The State of Florida does not allow the harvest of any fishes with shortline or gillnet within state waters.

O. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, as modified by Addendum I (2009).

The State of Florida conforms (Appendix A, 68B-44.004 Landing in Whole Condition; Transit through State Waters) to the ASMFC Shark ISFMP relative to landing requirements within the commercial fishery.

APPENDIX A: CURRENT FISHERY REGULATIONS FOR SHARKS AND RAYS

CHAPTER 68B-44, F.A.C.: SHARKS AND RAYS

68B-44.002 Definitions.

As used in this rule chapter:

(1) "Finned" means one or more fins are no longer naturally attached to the body of the shark. A shark with fins naturally attached, either wholly or partially, is not considered finned.

(2) "Fork Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(3) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(4) "Harvest for commercial purposes" means the taking or harvesting of a marine organism for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange.

(5) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(6) "Ray" means any species of the Order Rajiformes, or any part thereof.

(7) "Shark" means any of the following species or any part thereof:

(a) Large coastal species:

1. Blacktip shark – *Carcharhinus limbatus*.
2. Bull shark – *Carcharhinus leucas*.
3. Nurse shark – *Ginglymostoma cirratum*.
4. Spinner shark – *Carcharhinus brevipinna*.

(b) Small coastal species:

1. Atlantic sharpnose shark – *Rhizoprionodon terraenovae*.
2. Blacknose shark – *Carcharhinus acronotus*.
3. Bonnethead – *Sphyrna tiburo*.
4. Finetooth shark – *Carcharhinus isodon*.

(c) Pelagic species:

1. Blue shark – *Prionace glauca*.
2. Oceanic whitetip shark – *Carcharhinus longimanus*.
3. Porbeagle shark – *Lamna nasus*.
4. Shortfin mako – *Isurus oxyrinchus*.
5. Thresher shark – *Alopias vulpinus*.

(d) Smooth Dogfish – any species of the Genus *Mustelus*.

68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction.

(1) No person shall harvest in or from the waters of the state more than one shark per day; provided, however, that the possession of more than two sharks harvested from state waters aboard any vessel with two or more persons is prohibited.

(2) The harvest or attempted harvest of any shark in or from state waters is prohibited except by use of hook and line gear.

(3) The harvest of any shark, within the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited.

(4) Snagging (snatch hooking) of shark in or from state waters is prohibited.

68B-44.004 Landing in Whole Condition; Transit Through State Waters.

(1) All sharks harvested from State of Florida waters shall be landed in a whole condition. Except as provided for in subsection (2), the possession, while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed is prohibited. Mere evisceration or "gutting" of such fish or slicing the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing is not prohibited.

(2) The landing requirements contained in this section, possession and bag limit restrictions contained in Rule 68B-44.003, F.A.C., and the prohibited species contained in Rule 68B-44.008, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

(1) No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 635.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32.

(2) A harvester required to hold the federal annual vessel permit for sharks pursuant to subsection (1) may only sell to a holder of a valid federal Atlantic shark dealer permit pursuant to 50 C.F.R. § 635.4.

(3) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase sharks, or any part thereof, unless such dealer is in possession of a valid federal Atlantic shark dealer permit. No wholesale dealer shall purchase sharks, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license and the federal licenses and permits specified in subsection (1). This subsection applies only when a shark, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

68B-44.006 Commercial Season; Season Closure; Prohibition of Sale.

(1) All persons harvesting sharks for commercial purposes shall have a season that begins on January of each year and continues through December 31, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time the harvest of any species of large or small coastal sharks, or pelagic sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, corresponding state waters shall be closed to commercial harvest of the species affected by the federal closure, from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(b) If at any time the harvest of any species of large or small coastal sharks, pelagic sharks, or smooth dogfish are closed in state waters of the Atlantic Ocean for commercial purposes by the Atlantic States Marine Fisheries Commission, Florida State waters of the Atlantic Ocean from the Florida-Georgia border to the border between Miami-Dade and Monroe Counties shall be closed from the date of such closure until the Atlantic States Marine Fisheries Commission reopens the fishery to the commercial harvest. For purposes of this section the border between Miami-Dade and Monroe Counties is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

(c) During the period of any state waters closure pursuant to paragraph (a) or (b), the harvest, possession, or landing for commercial purposes, or the sale, purchase, or exchange, of any species to which the closure applies, is prohibited. These prohibitions shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure. The burden shall be upon any person possessing such shark carcasses or fins to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading. Failure to maintain such documentation or failure to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

68B-44.007 Size Limit Applicable to State Waters.

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any shark of fork length less than 54 inches, with the exception of:

(1) Atlantic sharpnose shark – *Rhizoprionodon terraenovae*.

- (2) Blacknose shark – *Carcharhinus acronotus*.
- (3) Blacktip shark – *Carcharhinus limbatus*.
- (4) Bonnethead – *Sphyrna tiburo*.
- (5) Finetooth shark – *Carcharhinus isodon*.
- (6) Smooth Dogfish – any species of the Genus *Mustelus*.

68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale.

(1) No person shall harvest, possess, land, purchase, sell, or exchange any or any part of these species:

- (a) Atlantic angel shark (*Squatina dumeril*).
- (b) Basking shark (*Cetorhinus maximus*).
- (c) Bigeye sand tiger (*Odontaspis noronhai*).
- (d) Bigeye sixgill shark (*Hexanchus nakamurai*).
- (e) Bigeye thresher (*Alopias superciliosus*).
- (f) Bignose shark (*Carcharhinus altimus*).
- (g) Caribbean reef shark (*Carcharhinus perezii*).
- (h) Caribbean sharpnose shark (*Rhizoprionodon porosus*).
- (i) Dusky shark (*Carcharhinus obscurus*).
- (j) Galapagos shark (*Carcharhinus galapagensis*).
- (k) Great hammerhead – *Sphyrna mokarran*. *
- (l) Lemon shark – (*Negaprion brevirostris*).
- (m) Longfin mako (*Isurus paucus*).
- (n) Narrowtooth shark (*Carcharhinus brachyurus*).
- (o) Night shark (*Carcharhinus signatus*).
- (p) Sandbar shark (*Carcharhinus plumbeus*).
- (q) Sand tiger (*Carcharias taurus*).
- (r) Scalloped hammerhead – (*Sphyrna lewini*). *
- (s) Sevengill shark (*Heptranchias perlo*).
- (t) Silky shark (*Carcharhinus falciformis*).
- (u) Sixgill shark (*Hexanchus griseus*).
- (v) Smalltail shark (*Carcharhinus porosus*).
- (w) Smooth hammerhead – (*Sphyrna zygaena*). *
- (x) Tiger shark – (*Galeocerdo cuvier*). *
- (y) Whale shark (*Rhincodon typus*).
- (z) White shark (*Carcharodon carcharias*).
- (aa) Largetooth sawfish (*Pristis pristis*).
- (bb) Smalltooth sawfish (*Pristis pectinata*).
- (cc) Spiny dogfish (*Squalus acanthias*).
- (dd) Manta ray (species of the genus *Manta* and *Mobula*).
- (ee) Spotted eagle ray (*Aetobatus narinari*).

* = denotes species added to this list Jan. 1, 2012.

(2) The prohibitions on harvest shall not apply to lawful harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked,

moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

Miscellaneous Management regulations:

CHAPTER 68B-4, F.A.C.: GEAR SPECIFICATIONS AND PROHIBITED GEAR

68B-4.002 Gear Definitions.

As used in Title 68B, F.A.C., unless otherwise defined:

(5) “Hook and line gear” means any handline, rod, reel, or any pole to which hook and line are attached, as well as any bob, float, weight, lure, plug, spoon, or standard bait attached thereto, with a total of ten or fewer hooks.

CHAPTER 68B-8, F.A.C.: MARINE SPECIAL ACTIVITY LICENSE PROGRAM

68B-8.001 Introduction and Scope.

(1) The Florida Fish and Wildlife Conservation Commission recognizes that there are justifiable reasons to allow the harvest, possession, or release of marine organisms that would be in violation of one or more of the state’s marine fisheries rules. Such activities include but are not limited to scientific research, education/exhibition, aquaculture, the use of non-conforming or innovative gear, the use of marine chemicals, the release of marine organisms, and the use of dredges.

(2) The rules in this chapter establish the Special Activity License (SAL) Program and allow the Commission to enter into agreements. Under this program the Commission will evaluate a proposed activity that requires a waiver of state marine fisheries rules. If the Commission determines that the proposed activity is in the best interest of the public of the State of Florida, it may issue a SAL or FMSEA Certification or enter into an agreement that includes terms, conditions, or restrictions that are necessary to ensure that the activity is consistent, to the maximum extent practicable, with fisheries rules, management plans of the Commission, and the best available scientific information.

68B-8.002 Definitions.

(1) “Anadromous” means species of fish that live in sea waters and migrate to fresh or estuarine waters to spawn.

(2) “Atlantic Region” for purposes of a Snook SAL, means all or part of counties encompassed by the St. Johns Water Management District and the South Florida Water Management District, except Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, and Monroe County.

(3) “Bred in Captivity” or “Captive Bred” refers to eggs or organisms, born or otherwise produced in captivity from broodstock that mated or otherwise transferred gametes in captivity (if reproduction is sexual), or from broodstock that were in captivity when development of the progeny began (if development is asexual).

(4) “Broodstock” means sexually mature organisms of both genders capable of producing gametes or offspring now or in the future for artificial cultivation purposes. Broodstock includes organisms captured to conduct immediate source spawning or for long-term retention.

(5) “Captivity” means when eggs or live organisms are held in a controlled or selected aquatic environment that has boundaries designed to prevent such eggs or live organisms from entering or leaving the controlled environment.

(6) “Catadromous” means species of fish that live in fresh or estuarine waters and migrate to sea waters to spawn.

(7) “Certified aquaculture facility” means a facility that has a valid aquaculture certificate of registration issued by DOACS pursuant to Section 597.004, F.S., and is constructed and maintained in accordance with Aquaculture Best Management Practices, Rule 5L-3.004, F.A.C.

(8) “DOACS” means Department of Agriculture and Consumer Services.

(9) “Educational purpose” means an activity that uses marine organisms to identify or interpret some aspect of an organism’s taxonomy, behavior, physiology, or ecology; to conduct laboratory activities; to provide instruction on field techniques; or to explain marine resource management issues to individuals formally enrolled in an instructional setting.

(10) “Estuarine” means the part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand.

(11) “Exhibitional purpose” means an activity that uses marine organisms for the primary purpose of display in a facility open to the general public on a scheduled basis, and whose operational activities have a marine related component.

(12) “FMSEA Certification” means documentation validating the completion of the Florida Marine Science Educators Association workshop.

(13) “Gulf Region” for purposes of a Snook SAL, means Charlotte County, Collier County, Glades County, Hendry County, Highlands County, Lee County, Monroe County, and all or part of counties encompassed by the Southwest Florida Water Management District, the Suwanee River Water Management District, and the Northwest Florida Water Management District.

(14) “Hard bottom” means any living natural or artificial reef (including coral reefs, oyster reefs, and worm reefs) or varying biological assemblages of marine organisms attached to hard substrate.

(15) “Harvest” means the catching, taking, or molesting of a marine organism by any means whatsoever, followed by a reduction of such organism or part thereof to possession. A marine organism that is caught and immediately returned to the water free, alive, and unharmed is not harvested.

(16) “Marine organism” means an organism, including anadromous and catadromous organisms and plants, that has a natural portion of its life cycle that is dependent upon marine or estuarine waters, but excluding striped bass (*Morone saxatilis*), American eels (*Anguilla rostrata*), non-living shells, marine reptiles, marine mammals, and birds.

(17) “Marine turtle permit” means a permit issued pursuant to Section 379.2431, F.S. and Chapter 68E-1, F.A.C.

(18) “Nonprofit corporation” means a corporation that is designated as non-profit pursuant to 26 U.S.C. 501(c)3 and has a current letter of determination of tax exempt status.

(19) “Person” means an individual, firm, entity, or corporation.

(20) “Prohibited species” means a marine organism for which harvest, possession, or sale is prohibited in Title 68, F.A.C. or Chapter 379, F.S.

(21) “Scientific research” means an activity that uses marine organisms to conduct one or more of the following:

(a) Research activity that involves the application of rigorous, systematic, and objective procedures of observation, measurement, and experiment to obtain reliable and pertinent data using an experimental design, controls, and data analysis to test a stated hypothesis.

(b) Monitoring activity that involves making technical and scientific observations as a means of gathering data according to a predetermined study plan.

(c) Restoration activity that facilitates mitigation or recovery of hard bottom marine organisms and includes subsequent monitoring to measure the success of the restoration effort. Restoration activities do not include oyster relay activities authorized pursuant to Section 597.010, F.S.

(22) “Snook” means any fish of the genus *Centropomus*, or any part thereof.

(23) “Special Activity License” or “SAL” means a license issued pursuant to Chapter 68B-8, F.A.C.

(24) “Stock enhancement” means the process of releasing many organisms into a self-sustaining, naturally reproducing population of the same native species, in order to increase the number of breeders in that population. Stock enhancement represents an attempt to offset harvesting pressure or to expand stock size based upon a presumed underutilized carrying capacity of the environment.

(25) “Stock restoration” means the captive breeding and release of marine organisms to maintain or re-establish the demographic stability and biological diversity of a non self-sustaining (inviable) or locally extirpated natural population (stock) until such time that a naturally self-sustaining stock can be re-established.

(26) “Third party contractor” is an entity that is paid for services rendered to collect or transport marine organisms on behalf of a SAL holder, or paid to provide expertise as an agent or consultant for the collection or transport of marine organisms on behalf of a SAL

holder. Salaried staff or faculty, non-salaried volunteers, students, interns, or visiting principle investigators who do not receive monetary compensation for their collection assistance are not third party contractors.

8B-8.003 General Conditions and Restrictions.

(1) ELIGIBILITY.

(a) A SAL or FMSEA Certification will not be issued to a person and no person shall conduct activities under a SAL if, during the 36-month period prior to the application or activity, that person has been charged with a violation of a rule in Title 68, F.A.C.; Chapter 370, 372 or 379, F.S.; or 50 CFR Parts 622, 635, 640, 648, 654, 660, or 679 unless that person has received a final disposition of acquittal or dismissal of such charged violation.

(b) A Stock Collection and Release SAL, an Aquaculture Broodstock Collection SAL, or a Snook SAL will not be issued to a person and no person shall conduct activities under such SAL, if that person has been charged with a violation of a provision of Section 597.004, F.S., or Chapter 5L-3, F.A.C.

(c) A SAL will not be issued for an activity that is allowed under the marine recreational fishing regulations, with the exception of an Aquaculture Broodstock Collection SAL.

(d) A SAL will not be issued to a third party contractor.

(2) APPLICATION, ISSUANCE, AND LICENSE PERIODS.

(a) A person may apply for and be issued a SAL at any time and a SAL shall be valid for 12 months from the date of issuance with the following exceptions:

1. The period of validity of a Scientific Research SAL will be based on the duration of the proposed activity, provided that the duration is no longer than is necessary to achieve its stated purpose and it does not exceed 36 months from the date of issuance. The period of validity for a Scientific Research SAL issued for prohibited species shall not exceed 12 months from the date of issuance.

2. An Education/Exhibition SAL involving the collection of prohibited species may only be applied for April 1 through April 30 or October 1 through October 31.

3. An Aquaculture Broodstock Collection SAL is only valid so long as the SAL holder also holds a valid aquaculture certificate of registration issued pursuant to Section 597.004, F.S. and Chapter 5L-3, F.A.C.

4. The period of validity of a Governmental Purpose SAL will be based on the duration of the proposed activity, provided that it is no longer than is necessary to achieve its stated purpose.

5. The period of validity of a Nonprofit SAL is 36 months.

(b) A person may apply for and shall be issued a FMSEA Certification upon completion of workshop training and a FMSEA Certification is valid for 36 months.

(3) TRANSFERABILITY OF LICENSE OR CERTIFICATION. A SAL or FMSEA Certification is not transferable. If a SAL or Certificate holder changes his or her affiliation, the SAL or Certificate is no longer valid and must be amended or re-issued.

(4) SCOPE OF AUTHORITY. A SAL or FMSEA Certification does not authorize any activity outside of state waters, within zoned areas of the Florida Keys National Marine Sanctuary, or within the boundaries of any federal park. For purposes of this subsection,

“zoned areas of the Florida Keys National Marine Sanctuary” means Sanctuary Preservation Areas, Special Use Areas, Research Only Areas, and Ecological Reserves.

(5) LAW ENFORCEMENT NOTIFICATION. The holder of a SAL or FMSEA Certification must notify the nearest Commission Law Enforcement Dispatch Center not later than 24 hours prior to conducting activities under a SAL or FMSEA Certification. Notification shall consist of a float plan detailing locations, dates, and times of activities. Deviations from the float plan are permitted only after 24-hour advance notification to the nearest Commission Law Enforcement Dispatch Center. Float plans are valid for the duration of the SAL or FMSEA Certification unless rescinded by the SAL or FMSEA Certification holder.

(6) AUTHORIZED PERSONNEL.

(a) No more than 10 individuals shall be authorized to conduct activities pursuant to a SAL unless justification for additional personnel is provided by the applicant and additional personnel are necessary to achieve the stated purpose of the SAL.

(b) Authorized personnel on a FMSEA Certification will be limited to the certification holder, teaching assistants, and up to 100 students per collecting trip. Both the teaching assistants and students must be operating under the direct supervision of the Certification holder and there must be at least one adult per ten students.

(7) RELEASE OF MARINE ORGANISMS. No marine organism that has been maintained in captivity shall be released unless the release is authorized by a SAL or FMSEA Certification or the release is conducted in accordance with the “Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms, September 2009” which is hereby adopted as a rule of the Commission and is incorporated herein by reference. However, the release restrictions of this subsection do not apply to:

(a) Catch-and-release activities that occur during the course of recreational fishing.

(b) The use of a marine organism for bait.

(c) The temporary possession of bycatch or of a marine organism that is temporarily retained in order to conduct directed commercial fishing activities, provided that the marine organism is not retained any longer than is necessary to accomplish the directed harvest.

(8) TAGGING OF MARINE ORGANISMS. No marine organism shall be tagged unless such tagging activity has been authorized pursuant to a SAL or FMSEA Certification. The tagging restrictions of this subsection do not apply to directors of a fishing tournament or their designee, who may tag up to five (5) fish per tournament for purposes of awarding prizes to tournament participants. For purposes of this section, a “tag” means any internal or external device or other marking, placed in or on an organism for the purpose of identification.

(9) REPORTING REQUIREMENTS. Required reporting documentation must be submitted within 30 days after expiration of the SAL.

(10) TRANSFERABILITY OF MARINE ORGANISMS.

(a) A SAL or FMSEA Certification is not required if a marine organism harvested pursuant to a SAL or FMSEA Certification is being moved through formal transfer or loan between facilities that meet the eligibility requirements in subsection 68B-8.003(1), F.A.C., and that are certified aquaculture facilities or are conducting scientific research, education, or exhibition activities. A marine organism authorized for sale under subsection 68B-8.003(11), F.A.C., is not considered a transfer or loan. In lieu of a SAL or FMSEA Certification, documentation must be permanently maintained by a facility that

possesses a marine organism harvested pursuant to a SAL or FMSEA Certification and transferred or loaned to that facility. The documentation must include the following:

1. A copy of the SAL or FMSEA Certification authorizing the harvest of the marine organism.
2. The chain of possession from initial harvest to current possession.
3. If the transfer or loan involves a certified aquaculture facility, a copy of the aquaculture facility's valid certification.
4. A detailed description of each marine organism being transferred or loaned including common name, scientific name, size, and sex.
5. Number of each type of marine organism being transferred or loaned.
6. Date of transfer, or beginning and ending date of loan.
7. Name, address, and contact person for the transferring facility and for the receiving facility.
8. Signatures from representatives of the transferring and receiving facilities acknowledging that the transfer was completed or the loan was initiated.

(b) The receiving facility is responsible for maintaining a marine organism in its possession in accordance with any terms and conditions set forth by the SAL or FMSEA Certification that authorized the harvest of the marine organism.

(11) POSSESSION AFTER LICENSE OR CERTIFICATION EXPIRATION. The Commission recognizes that a marine organism collected pursuant to a SAL or FMSEA Certification may need to be retained for a period of time that extends beyond the expiration date of the SAL or FMSEA Certification issued for its harvest. For this purpose, the following conditions must be met for marine organisms collected pursuant to a SAL or FMSEA Certification to be legally possessed beyond the expiration of a SAL or FMSEA Certification:

(a) All documentation required for reporting must be submitted to the Commission within 30 days of expiration of the SAL.

(b) Following the expiration date of the SAL or FMSEA Certification, the original SAL or FMSEA Certification or a copy is sufficient documentation to authorize possession of a marine organism harvested pursuant to a SAL or FMSEA Certification. Such documentation must be promptly produced at the request of an authorized law enforcement officer.

(12) SALE OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall not be sold or consumed unless it was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, Dredge SAL, or a Nonprofit Corporation SAL, and the sale was conducted in accordance with any condition of sale required by such SAL.

(13) CONSUMPTION OF MARINE ORGANISMS. A marine organism harvested pursuant to a SAL or FMSEA Certification shall not be consumed unless the marine organism was harvested pursuant to a Gear Innovation SAL, Governmental Purpose SAL, or Dredge SAL.

(14) ISSUANCE AND RENEWAL. A SAL or FMSEA Certification issued pursuant to this chapter will not be issued or renewed unless all conditions of a prior SAL or FMSEA Certification held by the applicant were met, and the reporting requirements for the prior SAL were submitted.

(15) SUSPENSION AND REVOCATION. The Commission will suspend or revoke a SAL or FMSEA Certification if it finds that the SAL or FMSEA Certification holder has violated any

provision in Chapter 379, F.S., Commission rules or orders, or terms or conditions of the SAL or FMSEA Certification, or has submitted false or inaccurate information in his or her application. Suspensions and revocations will be imposed in accordance with Chapters 120 and 379, F.S.

68B-8.006 Scientific Research Special Activity License.

(1) **PURPOSE.** The purpose of a Scientific Research SAL is to accommodate the need for the scientific community to conduct research, monitoring, and hard bottom restoration or mitigation activities that enhance the greater body of knowledge in support of fisheries management, resource conservation and enhancement, and public health. If conducting research, the proposed activity must ensure that study results will be presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on findings. If conducting monitoring, the proposed activity must ensure that collected data will be analyzed to detect physical or biological changes over time in marine organisms, their populations, or communities. If conducting restoration or mitigation, the proposed activity must ensure that species such as oysters, corals, sponges, sea fans, sea whips, and other hard bottom marine organisms are repaired in the event that they are damaged, and the effectiveness of the restoration or mitigation activity is evaluated by subsequent monitoring.

(2) **ELIGIBILITY.** A Scientific Research SAL may be issued only to the following:

(a) A principal investigator of a proposed or ongoing scientific research project who is on the faculty or is a student of a college, community college, university, or secondary school.

(b) A principal investigator of a proposed or ongoing scientific research project who is affiliated with a marine research institute, laboratory, corporation, or organization.

(c) A member of the scientific or technical staff of a marine research institute, laboratory, corporation, or organization with demonstrated experience conducting successful hard bottom restoration or mitigation activities.

(d) A member of the scientific or technical staff of a city, county, state or federal agency.

(e) A member of the scientific or technical staff of a certified aquaculture facility.

(3) **FEES AND APPLICATION.**

(a) The processing fee for a Scientific Research SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for a Scientific Research SAL must complete and submit a Scientific Research SAL application form provided by the Commission (Form DMF-SRSAL (9/09)).

(4) **EVALUATION CRITERIA.** In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL will be evaluated based on the following criteria as applicable to the request:

(a) Project specifications and methodologies.

(b) Monitoring strategies.

(c) Documented experience conducting successful hard bottom restoration or mitigation activities.

(5) **REPORTING REQUIREMENTS.** A SAL holder must submit the following:

(a) An activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Scientific Research SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

(b) A copy of any publications, technical, monitoring, or final reports that were generated as a result of work conducted pursuant to the SAL. These reports must include the notation that research was conducted pursuant to the specific Commission Special Activity License.

(c) A SAL holder who is conducting biomedical research activities involving the collection of horseshoe crabs to remove blood and return the animal to the area of collection alive, must file his or her annual report pursuant to sub-subparagraph 68B-46.002(3)(b)3.e., F.A.C.

68B-8.007 Education/Exhibition Special Activity License.

(1) PURPOSE. The purpose of an Education/Exhibition SAL is to accommodate the need for the harvest of marine organisms and conduct activities with such organisms that will increase the public's knowledge and awareness of Florida's marine resources.

(2) ELIGIBILITY. An Education/Exhibition SAL may be issued only to the following:

(a) An instructor employed by, or under the sponsorship of, a university, college, secondary school, or governmental entity or a private institution or organization that has an established marine or environmental education curriculum.

(b) A curator or director employed by or under sponsorship of a public or private aquarium, museum, university, or business establishment that displays marine organisms for viewing by the public and whose activities have a marine-related component.

(3) INELIGIBLE APPLICANTS. The Commission shall deny an application for an Education/Exhibition SAL by an applicant who can reasonably be expected to qualify for a FMSEA Certification. Such person must pursue FMSEA Certification.

(4) FEES AND APPLICATION.

(a) The processing fee for an Education/Exhibition SAL is \$25.00. A processing fee is non-refundable.

(b) An applicant for an Education/Exhibition SAL must complete and submit an Education/Exhibition SAL application form provided by the Commission (Form DMF-ESAL (9/09)).

(5) EVALUATION CRITERIA. In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL will be evaluated based on the following criteria as applicable to the request:

(a) Educational program curriculum.

(b) Qualifications of the educators requesting to conduct activities pursuant to a SAL.

(c) Conservation and education benefits of presentations designed to educate the public about the marine organisms requested for harvest and display.

(d) Current facility inventory of the species requested for harvest.

(e) The physical environment in which the species will be maintained and any potential maintenance or husbandry concerns. This includes consideration of the expected life span and maximum anticipated size of the species, and whether or not the facility is adequate to accommodate the marine organism for the remainder of its life.

(6) REPORTING REQUIREMENTS. A SAL holder must submit an activity report detailing all SAL-related harvest or sampling activities that resulted in the permanent retention of marine organisms. The activity report is a report other than any publications or technical, monitoring, or final reports. The activity report must include common and scientific names of the marine organisms harvested (both targeted and incidental), numbers and sizes harvested, locations of harvest by county, and disposition of all marine organisms harvested. The activity report for a Education/Exhibition SAL involving prohibited species must also include the specific harvesting gear used. If mortality of a prohibited species occurred during harvest or subsequent possession, the report must indicate the cause of death if known. If SAL-related activities did not result in the permanent retention or mortality of any marine organism, the SAL holder must submit a statement to that effect.

68B-8.009 Prohibited Species Collection Criteria.

(1) PURPOSE. This section establishes criteria for the issuance of a Scientific Research, Education/Exhibition, or Stock Collection and Release SAL involving the harvest of prohibited species from Florida waters and the possession of species legally harvested from the adjacent Exclusive Economic Zone (EEZ) for scientific research, educational, exhibitional, stock enhancement, or stock restoration purposes. The Commission utilizes the criteria established in this section to monitor and regulate harvest levels of prohibited species harvested from Florida waters and the adjacent EEZ while ensuring that such harvest activities do not adversely affect the stocks of such species.

(2) ELIGIBILITY. A SAL request involving the harvest of prohibited species will be authorized only for the following SAL applicants:

(a) An applicant for a Scientific Research SAL pursuant to Rule 68B-8.006, F.A.C.

(b) An applicant for an Education/Exhibition SAL pursuant to Rule 68B-8.007, F.A.C.

(c) An applicant for a Stock Collection and Release SAL pursuant to Rule 68B-8.010, F.A.C.

(3) PRIORITIZATION. When the requested harvest of a prohibited species exceeds an established quota, in-state and out-of-state scientific research activities will take priority over in-state education/exhibition activities, which in turn will take priority over out-of-state education/exhibition activities.

(a) Among eligible Florida-based education/exhibition applicants, priority will be given to those applicants that meet one or more of the following criteria:

1. The applicant has an established protocol that allows for outside independent evaluation of its husbandry operations, programs, and facilities, or meets equivalent professional review standards of the American Zoo and Aquarium Association or other equivalent professional organizations.

2. The applicant conducts captive breeding programs or husbandry studies related to the targeted prohibited species, or provides for the financial and/or physical support of research projects that seek to enhance the understanding of one or more prohibited species.

3. The applicant supports or sponsors conferences and symposia that promote the sharing of information related to captive breeding, husbandry, and management of prohibited species.

(b) If an established quota for a specific prohibited species has not been met through scientific research activities or through in-state educational/exhibitional activities, priority will be given to eligible out-of-state educational/exhibitional applicants that meet the criteria established in paragraph (3)(a) of this rule.

(4) EVALUATION CRITERIA.

(a) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Scientific Research SAL involving prohibited species will be evaluated based on the following criteria:

1. The credentials of the principal investigator, including publications and professional accomplishments.

2. A review of relevant literature and a determination of whether the proposed work is new or is replicating prior published findings.

3. A review of how the research project is designed to minimize the mortality or total harvest levels of the prohibited species to be collected.

4. Disposition plan for any prohibited species permanently removed from the system.

5. Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for successful completion of the research project.

6. Whether or not published project results will contribute to one or more of the following: improved management of prohibited species in captivity or in the wild, increased understanding of prohibited species population dynamics or ecology, benefits to Florida's marine conservation and resource management interests, and contributions to basic and applied science.

7. If any species requested on an SAL application form is listed by the FWC as Endangered, Threatened, or a Species of Special Concern, additional evaluation criteria for such species set forth in Chapter 68A-27, F.A.C. or Chapter 379, F.S. if applicable, will be applied.

(b) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/ Exhibition SAL involving prohibited species will be evaluated based on the following criteria:

1. Professional aquarium facility accreditation.

2. Existence of a prohibited species captive breeding program or of a prohibited species-related husbandry or prohibited species research program.

3. Financial or material support of prohibited species research conducted by other entities.

4. Hosted conferences, workshops, or symposia addressing prohibited species husbandry, conservation, or management within the previous year.

5. Educational media and programs accompanying the displays for prohibited species, as well as the conservation message relating to the prohibited species.

6. Whether or not acquisition of the prohibited species is in compliance with the facility's collecting plan or acquisition policy, including any facility disposition or deaccession policies that are relevant to the requested prohibited species in the future.

7. The current inventory of all prohibited species located at the facility.

8. Whether or not non-prohibited species could be utilized in lieu of prohibited species to meet educational or exhibitional objectives.

9. Whether or not prohibited species collection from Florida waters or the adjacent EEZ is the only option for acquiring the prohibited species, or if the prohibited species may be acquired from areas where the stock is not prohibited from harvest, from captive breeding programs, through loan from another aquarium, or from an aquaculture facility.

10. Whether or not the requested collection is consistent with the "Florida Fish and Wildlife Conservation Commission Marine Prohibited Species Policy, September 2009" which is hereby adopted as a rule of the Commission and is incorporated herein by reference.

NONRECREATIONAL LICENSES

Chapter 379, F.S.

Part VII

379.361 Licenses.—

(2) SALTWATER PRODUCTS LICENSE.—

(a) Every person, firm, or corporation that sells, offers for sale, barter, or exchanges for merchandise any saltwater products, or which harvests saltwater products with certain gear or equipment as specified by law, must have a valid saltwater products license, except that the holder of an aquaculture certificate under s. 597.004 is not required to purchase and possess a saltwater products license in order to possess, transport, or sell marine aquaculture products. Each saltwater products license allows the holder to engage in any of the activities for which the license is required. The license must be in the possession of the license holder or aboard the vessel and is subject to inspection at any time that harvesting activities for which a saltwater products license is required are being conducted.

State of Maine

Spiny Dogfish Compliance Report

2011/2012 Fishing Year

In accordance with the Spiny Dogfish Fishery Management Plan, the following report is submitted.

I. Introduction:

Historically, spiny dogfish have supported a major commercial fishery with principal ports of landings in Rockland, Boothbay Harbor and Portland. From 1976 to 2002, landings ranged from 257 pounds in 2001 to 6,365,648 pounds in 1990. Landings declined rapidly from the 1990 peak year to less than 35,000 pounds in 1999. During the height of the fishery, the dogfish harvest occurred principally from May through October with less than 2% of landings occurring before May 1 and less than .05% of landings occurring after November 1. Therefore, annual landings closely reflect fishing year landings and particularly Period I landings.

There was an increase of commercial spiny dogfish landings in Maine from 2004 to 2006 and a decrease in landings in 2007 and 2008. In 2009, the landings increased to 573,823 pounds and in 2010 they decreased again to 228,646 pounds. In 2011, landings were 349,166 pounds with a value of \$74,849.

There were no significant changes in monitoring, regulations, or harvest during the 2011/2012 fishing season.

II. Request for *de minimis*: The State of Maine does not request *de minimis* status.

III. Previous year's fishery and management program:

a) Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

None

b) Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

DMR Inshore Trawl Survey:

The spring portion of the 2011 Maine-New Hampshire Inshore Trawl Survey was conducted in the near shore waters of the Gulf of Maine. A total of 15 spiny dogfish were collected, 5 females and 10 males were caught. Males ranged from 27 to 75 cm and the females 31 to 79 cm.

The fall portion of the 2011 Trawl survey saw 1648 dogfish. There were 1139 males at lengths ranging from 26 cm to 85 cm with the majority ranging between

72 and 78 cm. A total of 509 females were sampled at lengths ranging between 24 and 92 cm, numbers were distributed fairly evenly within this range.

All dogfish collected in the survey were released alive.

c) Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

For the 2011/2012 fishing season, Maine regulations specified a maximum possession limit of 3,000 pounds and DMR opened and closed the fishery consistent with ASMFC specifications. The following regulations were in place.

Chapter 50 Spiny Dogfish and Coastal Sharks

50.01 Definitions

1. "Coastal Sharks" means for the purpose of these regulations any the following species of shark caught in Maine's territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.

2. "Finning" means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish, porbeagle or other coastal shark to the sea.

3. "Spiny dogfish" means the genus and species *Squalus acanthias*.

4. "Porbeagle shark" means the genus and species *Lamna nasus*, 50.02 Harvest, Possession and Landing Restrictions

A. Spiny Dogfish

When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.

(1) Exception

(a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.

(b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.

(2) Spiny Dogfish Trip Limit

It is unlawful to harvest, land or possess more than 3,000 pounds of spiny dogfish from May 1 to October 31 (period one) and from November 1 to April 30 (period

two) during those dates when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).

B. Porbeagle shark

(1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.

(2) When the quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the Interstate Fisheries Management Plan for Atlantic Coastal Sharks established by the Atlantic States Marine Fisheries Commission.

C. Coastal Sharks

The take of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.

50.03 Spiny Dogfish Endorsement for Dealers, License for Harvesters, Reporting Requirements and Quota

A. Harvester License and Dealer Endorsement

(1) Commercial harvesters must obtain a Commercial Pelagic and Anadromous Fishing License in order to participate in this fishery.

(2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.

B. Reporting: See Chapter 8. Future license or endorsements will be dependent upon reporting compliance.

C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.

50.04 Shark, Dealers

A. Dealer permit requirement

Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.

50.10 Finning Prohibited

Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally to the carcass through landing. The porbeagle, coastal shark or dogfish may be bled.

Chapter 8 Landings Program

Chapter 8.10 Dealer Reporting

G. Spiny Dogfish

Any Primary Buyer shall report to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.

Dealers must provide the following information:

- 1. Dealer ID*
- 2. Trip start date*
- 3. Landing date*
- 4. Harvester ID*
- 5. Vessel ID (Hull ID)*
- 6. Gear Type*
- 7. Species, market size and grade*
- 8. Quantity and unit*
- 9. Disposition*
- 10. Price per unit*
- 11. Port landed*

Chapter 8.20 Harvester Reporting

L.Spiny Dogfish

All Maine licensed dogfish harvesters must report daily fishing information for spiny dogfish that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:

- 1. Commercial license number and harvester name;*
- 2. Vessel state registration number and vessel name;*
- 3. Date/time sailed and landed;*
- 4. Number of crew (including captain);*
- 5. Gear fished;*
- 6. Quantity and size of gear;*
- 7. Number of sets;*
- 8. Hours at sea;*
- 9. Fishing time;*
- 10. Latitude/longitude (or loran bearings);*
- 11. Species*
- 12. Pounds of all species landed or discarded;*
- 13. Disposition;*
- 14. Port and state landed;*

15. *Dealer name and license number sold to;*
16. *Signature of harvester;*
17. *Any other information or instructions deemed necessary.*

d) Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).

Commercial harvest: For 2011, dealers reported 349,166 pounds with a value of \$74,849. Commercial harvesters reported 356,199 kept pounds and 373,320 discarded pounds.

Recreational harvest: Based on the NOAA MRIP for 2011, the total harvest (A+B1) was 585 fish with a PSE of 54.5.

e) Review of progress in implementing habitat recommendations (if applicable).

Not applicable.

IV. Planned Management Programs for the Current Fishing Year:

a) Summarize regulations that will be in effect for the current fishing year.

Regulations will continue as last year. When the Northern Region fishery for spiny dogfish is closed, the public will be informed by public notice in a newspaper of statewide circulation. The 2012/2013 possession limit is set at 3,000 pounds maximum.

b) Copy of current regulations if different from III

Not different

c) Summarize monitoring programs that will be performed.

In order to track the commercial landings of spiny dogfish taken from territorial waters, dealer and harvester reporting regulations are required in accordance with the DMR Landings Program and the Atlantic Coastal Cooperative Statistics Program.

d) Highlight any changes from the previous year.

None for the 2012/2013 season, however DMR plans to initiate rulemaking to increase the possession limit to 4,000 pounds for the 2013/2014 fishing season consistent with ASMFC specifications.

V. Plan Specific Requirements:

Mount Desert Island Biological Labs:

In 2011, Mount Desert Island Biological Labs (MDIBL) was the only special license holder that collected dogfish for biomedical supply. A total of 197 spiny dogfish were collected from May 24 – August 25, 2011 from Maine coastal

waters. Average centimeters per trip ranged from 76 to 88 cm. All dogfish were used for biomedical research at MDIBL.

Spiny Dogfish Compliance Report for the May 2011 through April 2012 Fishing Year

Submitted by the State of New Hampshire

I. Introduction

- a. Summary of the year: highlight any significant changes in monitoring, regulations or harvest.

The 2011 season for spiny dogfish opened July 1, 2011 in state waters with a 3,000 pound trip limit. The season ran through September 1, 2011 when the quota for the northern region was projected to be full utilized. There were no other significant changes to monitoring, regulations or harvest in 2011.

II. Request for *de minimis*, where applicable.

New Hampshire does not request *de minimis*.

III. Previous year's fishery and management programs

- a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

There was no fishery dependent monitoring for spiny dogfish.

- b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

There was no fishery independent monitoring for spiny dogfish in New Hampshire waters.

- c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Refer to Section 5.0 in the spiny dogfish FMP.

Fis 603.19 Dogfish.

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;
- (2) Be for personal use only; and
- (3) Not be sold.

(c) The open season for taking dogfish in state waters shall be August 1 through April 30. The executive director may revise the opening of the season by up to 3 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information:

- (1) The quantity in pounds of dogfish purchased;
- (2) The harvester's name and coastal harvest permit number or NMFS permit number;
- (3) The vessel name and registration number from whom dogfish were purchased.

Source. #7428, eff 1-20-01; ss by #7883, EXEMPT, eff 5-1-03; ss by #7914, EXEMPT, eff 6-30-03; ss by #7930, EXEMPT, eff 8-5-03; ss by #8088, EXEMPT, eff 5-24-04; ss by #8303, EXEMPT, eff 4-1-05

- d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).

Commercial Harvest

No mobile gear is allowed in New Hampshire state waters (RSA 211:49).

The Standard Atlantic Fisheries Information System (SAFIS) indicated that for the months of June through August, 2011, 1,646,808 pounds of dogfish were landed.

GEAR	2011 (live lbs)*
Gill nets	1,574,239
Hook and Line	12,431
Not coded	9,141
Trawls	47,997
Pots and Traps	3,000 ⁺

*Preliminary landings values
+Confidential

Recreational Harvest

The Marine Recreational Fisheries Statistics Survey (MRFSS) of the National Marine Fisheries Service (NMFS) records show that recreational harvest in New Hampshire state waters amounted to 695 spiny dogfish in 2011.

Non-harvest Losses

Impingements at the Seabrook Power Station in Seabrook, NH for May 1, 2011 through April 30, 2012 have not been released. There were no reported impingements of spiny dogfish in 2011.

- e. Review of progress in implementing habitat recommendations.

This is not applicable for New Hampshire.

IV. Planned management programs for the current fishing year.

- a. Summarize regulations that will be in effect for the current fishing year (May 1, 2011 through April 30, 2012).

Fis 603.19 Dogfish.

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;
- (2) Be for personal use only; and
- (3) Not be sold.

(c) The open season for taking dogfish in state waters shall be August 1 through April 30. The executive director may revise the opening of the season by up to 3 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information:

(1) The quantity in pounds of dogfish purchased;

(2) The harvester's name and coastal harvest permit number or NMFS permit number;

(3) The vessel name and registration number from which dogfish were purchased.

Note: The 2012 season for spiny dogfish will begin July 1, 2012 in state waters with a 3,000 pound trip limit.

b. Summarize monitoring programs that will be performed.

No planned monitoring programs are planned for the current fishing year.

c. Highlight any changes from the previous year.

Refer to IV a above. There were no changes from the previous year.

V. Plan specific requirements

Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

New Hampshire issues scientific permits. There were no permits issued for the current fishing year (May 1, 2011 through April 30, 2012).

**Commonwealth of Massachusetts
Division of Marine Fisheries**



SPINY DOGFISH

Compliance Report to the Atlantic States Marine Fisheries Commission

Fishing Year: May 1, 2011 through April 30, 2012

November 1, 2012

I. Introduction

The Commonwealth of Massachusetts complied with all elements of the ASMFC Spiny Dogfish Management Plan during the May 1, 2011 through April 30, 2012 fishing year. The “northern states” (Maine through Connecticut) were allocated 58% of the 20 million pound coastwide ASMFC annual quota, which was increased by 5 million pounds from the 2010 – 2011 quota. Massachusetts maintained its 3,000 lb commercial trip limit.

While there were no significant changes to fishing regulations, improvements to harvester reporting and dealer permitting rules were made to address the discovery of 2,189,611 pounds of unreported harvest during the 2011/2012 season, as reported to the ASMFC in July 2012. This harvest added to the existing ~1.3 million pound overage of the 2011/2012 northern region quota, and was appropriately taken off the 2012/2013 northern region quota.

II. Request for *de minimis*, where applicable

Not applicable.

III. Previous calendar year’s fishery and management program

a. Fishery dependent monitoring

Massachusetts requires any person/vessel commercially fishing for spiny dogfish to hold a commercial fishing permit with a regulated fishery endorsement and to report landings monthly. In 2010, Massachusetts transitioned to a comprehensive trip-level reporting program, which meets the standards established by the Atlantic Coastal Cooperative Statistics Program (ACCSP). These reports must include the date of harvest, trip start time and duration, port, gear type, harvest location, disposition, quantity, and dealer (if sold). In order to renew permits, permit holders must submit for all months, regardless of whether they fished commercially during a month or not. Since 2005, all primary buyers in Massachusetts have been required to report weekly their purchases of any marine species from fishermen. Information collected from dealers is consistent with ACCSP standards.

During the 2011/2012 fishing year, a non-permitted transportation company based in Massachusetts purchased a significant amount of spiny dogfish directly from fishermen. The product was then shipped and sold to permitted Massachusetts seafood processors. Because the transportation company was operating without state or federal permits, none of the fish bought by this company entered the Standard Atlantic Fisheries Information System (SAFIS). *Marine Fisheries* identified the problem towards the end of 2011 with our harvester reporting system. Subsequently, after extensive review of fishermen records, dealer transactions, and bank records, we determined 2,189,611 lbs of spiny dogfish went unreported in SAFIS dealer data. *Marine Fisheries’* fishermen/dealer reporting conditions have been modified to allow earlier detection of these kinds of problems in the future. Specifically, fishermen must now record the permit number of the dealer they sell their landings to on their trip-level reporting forms (as opposed to the dealer’s name); and wholesale truck dealers acting as primary buyers are prohibited from buying quota managed species.

In 2011, *Marine Fisheries* issued 961 spiny dogfish endorsements. Commercial landings for FY11/12 were 9,068,815 lbs according to dealer reports and 10,815,811 lbs according to harvester reports (note these data are preliminary). This discrepancy is related to the unreported purchases described above (some of which was reported by harvesters). The harvester reported landings represent a 28% increase from the FY10/11 landings of 8,478,020 lbs.

b. Fishery independent monitoring

None.

c. Regulations

See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.

d. Harvest

Due to the implementation of mandatory trip-level harvester reporting in 2010, DMF is now able to provide reliable commercial spiny dogfish landings by gear.

Table 1. Massachusetts commercial spiny dogfish landings (pounds) for FY11/12, by gear; data are preliminary. (Source: Vessel trip reports)

Gillnet	5,961,545
Hook	4,421,923
Trawl	333,899
Other	98,444
Total	10,815,811

According to NOAA Fisheries, Fisheries Statistics Division, recreational anglers caught 312,517 spiny dogfish during FY11/12 (Wave 3, 2011 through Wave 2, 2012), of which 1,268 spiny dogfish were harvested and 311,249 (or 99.6%) released.

IV. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect

See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.

b. Summarize monitoring programs that will be performed
Status quo.

c. Highlight any changes from the previous year

Trip level commercial reports now require fishermen to record both the name and permit number of the dealer they sell to. *Marine Fisheries* no longer authorizes wholesale truck dealers acting as primary buyers to buy quota managed species.

Marine Fisheries authorized an experimental short-soak gillnet dogfish fishery to occur in the two-month (October and November) groundfish closure in Upper Cape Cod Bay and Massachusetts Bay to capitalize on remaining dogfish quota in 2012. In prior years this action was not considered because the northern region quota was taken before the two-month closure came into effect. An existing exemption to the groundfish time/area closure allows longlining for dogfish; the short-soak gillnet experimental fishery for dogfish may be added as a second regulatory exemption in the future. The experimental fishery was announced via *Marine Fisheries* Advisories (Attachment 2).

V. Plan specific requirements

Biomedical harvest of spiny dogfish collected under exempted fishing permits: None.

Code of Massachusetts Regulations

6.35 Spiny Dogfish Management

- (1) Definitions For the purposes of 322 CMR 6.35;
 - (a) Spiny Dogfish means that species known as *Squalus acanthias*.
 - (b) Spiny Dogfish Commercial Quota means allowable commercial landings established by the Director each year. For 2000, the quota is 7,000,000 lbs.
 - (c) Night means the time between 1/2 hour after sunset to 1/2 hour before sunrise during the period March 1 through October 31, or from 6:00 p.m. to 6:00 a.m. during the period November 1 through the last day of February.
 - (d) Finning means the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.
- (2) Permit A regulated fishery Special Permit issued by the Director shall be:
 - (a) required of all commercial fishermen taking or landing spiny dogfish from waters under the jurisdiction of the Commonwealth; and
 - (b) carried by the holder at all times when catching, taking, possessing, or selling spiny dogfish taken from waters under the jurisdiction of the Commonwealth; and
 - (c) displayed forthwith on demand by any Environmental Police Officer or other official authorized to enforce 322 CMR 6.35;
- (3) Dealer Authorization It is unlawful for dealers without written authorization from the Director to purchase spiny dogfish from commercial fishermen.
- (4) Dealer Reporting Dealers shall report all purchases of spiny dogfish by phone and in writing based on schedules established and on forms to be provided by the Division.
- (5) Possession Limit
 - (a) Declaration of Annual Specifications. The Director may, by declaration, establish and adjust the manner and times of taking spiny dogfish, and the legal size limits, numbers and/or quantities of spiny dogfish to be taken as prescribed by M.G.L. c. 130 § 17A and specified by the Atlantic States Marine Fisheries Commission (ASMFC).
 - (b) Declaration Process. Annual specifications shall not be effective until:
 - (a) a notice has been filed with the Massachusetts Register;
 - (b) a notice has been published by at least one local newspaper;
 - (c) a copy of the notice has been emailed via the Marine Fisheries Listserv and posted on the Division's website; and
 - (d) a two-week comment period has been conducted by the Division; and
 - (e) it has been approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.
- (6) Commercial Quota It is unlawful for commercial fishermen to land or possess spiny dogfish when the Commonwealth's spiny dogfish quota has been reached.
- (7) Prohibitions
 - (a) It is unlawful for any fisherman to fin dogfish. Fins removed at sea must be retained, landed at the same time and in the same location with carcasses, and not exceed a maximum 5% fin to carcass ration, by weight.



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Deval Patrick
Governor
Timothy P. Murray
Lt. Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

April 15, 2011
Marine Fisheries Advisory

**MFC APPROVES 2011 SPINY DOGFISH SPECIFICATIONS
FISHERY TO OPEN MAY 1ST AT 3,000-LBS**

On April 7, 2011 the Marine Fisheries Advisory Commission approved a 3,000 lb commercial spiny dogfish trip limit for 2011. This fishery shall open on May 1, 2011 and will remain open until it has been determined that the Period I fishery has taken its 58% allocation of the 20-million lb 2011 quota. The Massachusetts fishery will then remain closed through April 30, 2012.

State trip limits apply to all permit holders (state and federal) landing in the Commonwealth. When the Period I commercial fishery allocation is reached, *Marine Fisheries* will close the fishery, and all retention and landings of dogfish (by state or federal permit holders) will be prohibited in the Commonwealth of Massachusetts through the end of the fishing year.

For more information, contact *Marine Fisheries* at 617-626-1520 or online at www.mass.gov/marinefisheries.



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August 23, 2011
Marine Fisheries Advisory

REVISION TO EARLIER NOTICE ON SPINY DOGFISH CLOSURE:

**2011/2012 STATE WATERS COMMERCIAL SPINY DOGFISH FISHERY TO
CLOSE
THURSDAY, SEPTEMBER 1, 2011**

The Atlantic States Marine Fisheries Commission Northern Region (ME-CT) spiny dogfish quota is projected to be harvested by the end of the fishing day on Wednesday, August 31, 2011. Effective at 0001 hours on Thursday, September 1, 2011, the possession and landing of spiny dogfish by state permitted commercial fishermen shall be prohibited. The Northern Region fishery is scheduled to re-open on May 1, 2012. The overall 2011/2012 spiny dogfish quota was set at 20 million lbs., with the Northern Region fishery being allocated 58% of the overall harvest, for a total of 11,580,000 lbs.

As notified earlier, the federal Period 1 fishery is scheduled to close at 0001 hours on Thursday August 26, 2011. Once the federal fishery closes, the possession and landing of spiny dogfish by federally permitted commercial fishermen shall be prohibited.

State permitted commercial fishermen are reminded that August 2011 trip-level reports are due by September 15, 2011, even if the permit was not fished. Trip level reports should be sent to DMF Statistics Project, 30 Emerson Ave, Gloucester, MA 01930. **Failure to submit these reports in a timely manner may result in the non-renewal of a permit or permit endorsement in 2012.** Blank forms and instructions were mailed out prior to the beginning of the 2011 commercial fishing season, and additional copies can be obtained from the *Marine Fisheries* web site at: http://www.mass.gov/dfwele/dmf/commercialfishing/trip_level.htm

For further information on closures and reporting contact DMF at 617-626-1520 or please visit our website at www.mass.gov/marinefisheries.



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries

251 Causeway Street, Suite 400
Boston, MA 02114
(617) 626.1520
Fax (617) 626.1509



Deval Patrick
Governor
Timothy P. Murray
Lt. Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

April 25, 2012
Marine Fisheries Advisory

**DIVISION OF MARINE FISHERIES DECLARES A 3,000 LB. COMMERCIAL
SPINY
DOGFISH TRIP LIMIT SPECIFICATION FOR THE 2012/2013 SEASON**

The Director hereby declares that it shall be unlawful for any person or vessel to possess or land in excess of 3,000 lbs of spiny dogfish per calendar day. This fishery shall open on May 1, 2012 and shall remain open until 58% of the coast-wide quota has been landed. Only those commercial fishermen with a spiny dogfish endorsement may possess or land spiny dogfish in the Commonwealth in accordance with this declaration.

On March 29, 2012, the Director of the Division of Marine Fisheries proposed a 3,000 lb trip limit specification for the 2012/2013 commercial spiny dogfish fishery in Massachusetts. This 3,000 lb. trip limit specification has been adopted by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission. Pursuant to 322 CMR § 6.35 the following actions have been taken: notice was filed with the Massachusetts Register on March 29, 2012; notice was published in the Cape Cod Times on April 2, 2012; on March 29, 2012 notice was electronically mailed to all fishermen on *Marine Fisheries*' list-serve and posted at the *Marine Fisheries* website; *Marine Fisheries* conducted a two-week public comment period from April 4, 2012 to April 20, 2012; and on April 24, 2012 the notice was approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

For more information, contact Jared Silva at 617-626-1534 or at jared.silva@state.ma.us.
Please visit our website at www.mass.gov/marinefisheries.



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries

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Deval Patrick
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Commissioner

September 28, 2012
Marine Fisheries Advisory

**ANNOUNCEMENT FOR EXPERIMENTAL OCTOBER
STRIKE-NET FISHERY FOR SPINY DOGFISH**

Massachusetts Division of Marine Fisheries is authorizing an experimental fishery to allow a "strike-net" fishery for spiny dogfish through October to capitalize on remaining quota and to allow a continuation of current fishing practices. Current regulations prohibit fishing for groundfish during the 2-month (October-November) groundfish closure in Upper Cape Cod Bay and Mass. Bay. An existing exemption allows longlining for dogfish during the time/area closure. This experimental fishery will allow the use of sink gillnets set for short soaks (a few hours). If successful, this activity could be added as a regulatory exemption in the future.

Eligible fishermen and vessels are those whose state permits already have a gillnet endorsement and are up to date with their trip-level reporting of landings. This experimental fishery will be conducted in the October (and possibly November) "rolling closures" as defined in 322 CMR 8.12(2). Participation conditions and monitoring requirements will be established by a Letter of Authorization (LOA) issued by the Director to the permit holder. Nets fished in the special access area may not be left overnight and vessels must remain within 1 mile of their nets at all times in the area.

The Division may place at-sea observers aboard participating vessels. Consequently, vessels must be up to date with all required safety equipment, including but not limited to: immersion suits/PFDs, throwable flotation device, life rafts (where required), first aid material, distress signals, fire extinguishing equipment, and radio. If regulatory discards become problematic, permits may be further conditioned to: (1) restrict fishing from certain areas, (2) modify fishing gear, or (3) end access.

For more information about this experimental fishery or to enroll, please send DMF by fax or email a request to participate with the following information:

- Your name
- DMF Permit ID
- Vessel name, length, and registration (or documentation number)
- Port you intend to fish from

The fax number is 617-626-1509 or contact Jared Silva at jared.silva@state.ma.us or 617-626-1534 or Kerry Allard at kerry.allard@state.ma.us or 617-626-1633.



Paul J. Diodati
Director

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Division of Marine Fisheries

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Deval Patrick
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Timothy P. Murray
Lt. Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

November 7, 2012

Marine Fisheries Advisory

**ANNOUNCEMENT FOR EXTENSION OF EXPERIMENTAL SHORT-SOAK
GILLNET FISHERY FOR SPINY DOGFISH**

The Massachusetts Division of Marine Fisheries is extending through November the experimental fishery allowing a “short-soak” gillnet fishery for spiny dogfish to capitalize on remaining quota and allow a continuation of current fishing practices. **All permit holders who applied for and received authorization for October will receive a new authorization letter for fishing through November 30.**

Current regulations prohibit fishing for groundfish during the two-month (October-November) groundfish closure in Upper Cape Cod Bay and Massachusetts Bay. An existing exemption allows longlining for dogfish during the time/area closure. This experimental fishery allows the use of sink gillnets set for short soaks (a few hours). If successful, this activity could be added as a regulatory exemption in the future.

Eligible fishermen and vessels are those whose state permits already have a gillnet endorsement and are up to date with their trip-level reporting of landings. This experimental fishery will be conducted in the October-November “rolling closure” as defined in 322 CMR 8.12(2). Participation conditions and monitoring requirements will be established by a Letter of Authorization (LOA) issued by the Director to the permit holder. Nets fished in the special access area may not be left overnight and vessels must remain within 1 mile of their nets at all times in the area.

The Division may place at-sea observers aboard participating vessels. Consequently, vessels must be up to date with all required safety equipment, including but not limited to: immersion suits/PFDs, throwable flotation device, life rafts (where required), first aid material, distress signals, fire extinguishing equipment, and radio. If regulatory discards become problematic, permits may be further conditioned to: (1) restrict fishing from certain areas, (2) modify fishing gear, or (3) end access.

To enroll in the experimental fishery, please send DMF by fax (617-626-1509) or email (kerry.allard@state.ma.us or jared.silva@state.ma.us) a request to participate with the following information:

- Your name
- DMF Permit ID
- Vessel name, length, and registration (or documentation number)
- Port you intend to fish from

For more information, contact Kerry Allard at 617-626-1633 or Jared Silva at 617-626-1534.



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road
Jamestown, RI 02835

TEL 401 423-1920
FAX 401 423-1925

TO: Danielle Chesky, ASMFC Spiny Dogfish FMP Coordinator

FROM: Eric Schneider, Principal Biologist

DATE: September 20, 2012

SUBJECT: Rhode Island Spiny Dogfish Annual Compliance Report for the 2011 Fishing Year

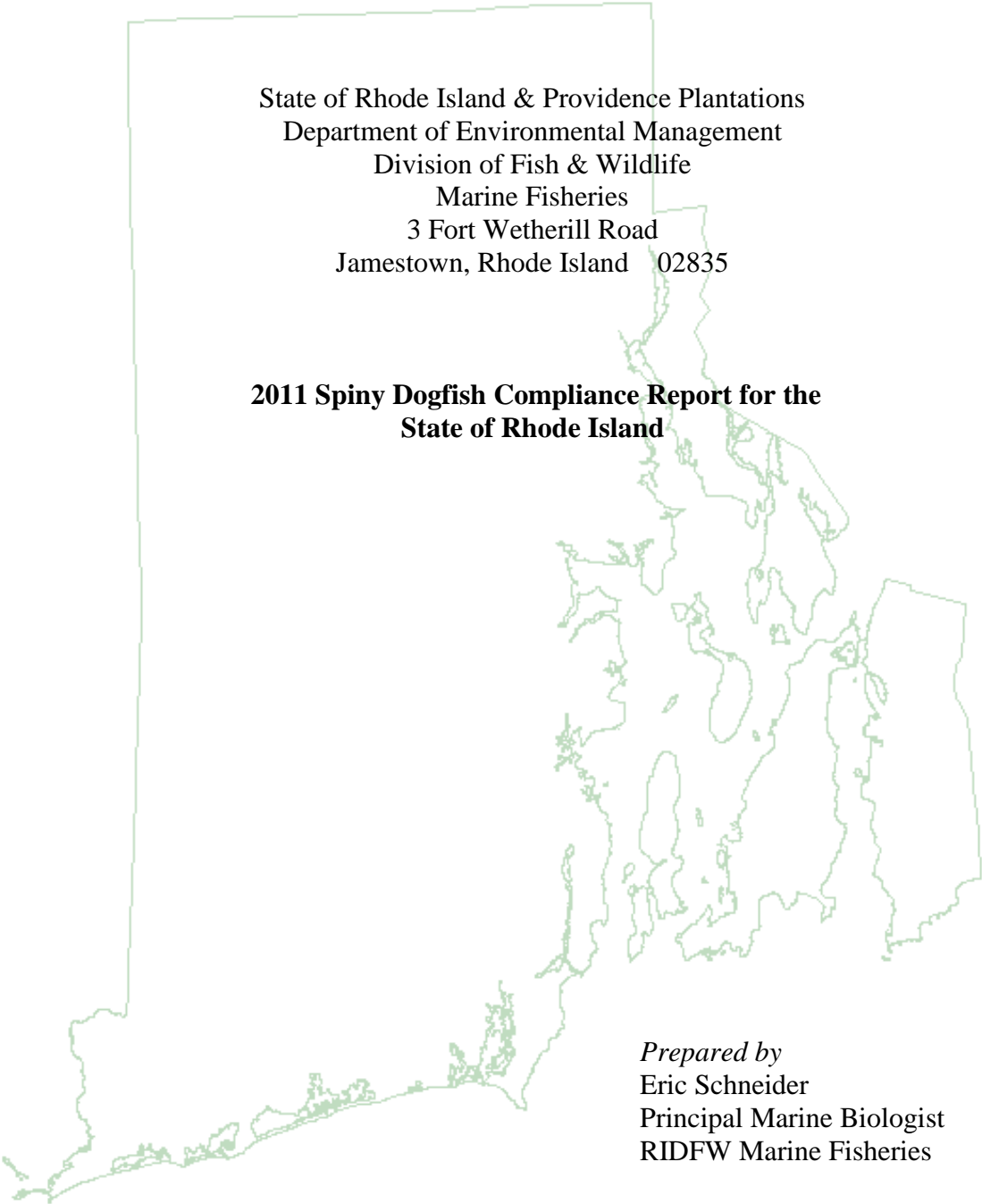
Attached please find Rhode Island's spiny dogfish annual compliance report for the 2011 fishing year.

Please contact me at 401.423-1933 or via email at Eric.Schneider@dem.ri.gov if you have questions or need additional information.

Thank you.

cc: M. Gibson
J. McNamee
A. Valliere

Attachment: RI Spiny Dogfish Compliance Report for 2011 FY.doc



State of Rhode Island & Providence Plantations
Department of Environmental Management
Division of Fish & Wildlife
Marine Fisheries
3 Fort Wetherill Road
Jamestown, Rhode Island 02835

**2011 Spiny Dogfish Compliance Report for the
State of Rhode Island**

Prepared by
Eric Schneider
Principal Marine Biologist
RIDFW Marine Fisheries

Date Submitted: September 20, 2012



Rhode Island Spiny Dogfish Annual Compliance Report for the 2011 Fishing Year

I. Introduction

Summary: Commercial landings data collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 8/23/2012 indicate 1,265,072lbs of spiny dogfish were landed in Rhode Island during the 2011 fish year (May 1, 2011 – April 30, 2012), with an estimated commercial value of \$251,187.

In accordance with the Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish and Rhode Island regulations:

- Beginning 12:01 AM on May 1, 2011 the commercial possession limit for spiny dogfish increased to 3,000 lbs/vessel/day, thereby opening the commercial fishery for the 2011 fishing year.
- Beginning 12:01 AM on September 1, 2011 the RI commercial fishery for spiny dogfish was closed.
 - Consistent with ASMFC Northern region management actions the RI commercial spiny dogfish fishery did not reopen during the 2011 fishing year.

II. Request for *de minimis*, where applicable.

The state of Rhode Island does not wish to apply for *de minimus* status.

III. Previous year's fishery and management program:

A. Activity and results of fishery dependent monitoring.

Fishery dependent monitoring remains the same as in previous years. This is limited to port sampling and at-sea observers. None of these efforts are directed at dogfish.

B. Activity and results of fishery independent monitoring.

Fishery independent monitoring is limited to dogfish taken in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey.

C. Copy of regulations that were in effect during this period are as follows:

Regulations from May 1, 2011 through April 30, 2012:

Rhode Island Marine Fisheries Statutes and Regulations Part VII – Minimum Sizes of Fish/Shellfish

7.15 Spiny dogfish

7.15.1 Commercial Season and Possession Limits – The commercial season shall extend from May 1 until April 30 of the following year. RI is currently designated as a state that is part of the Northern region. A Northern region quota for spiny dogfish will be established annually and

shall be the most recent allocation by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register, which is currently set at 58% of the coastwide quota. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 3,000 pounds of spiny dogfish. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file a notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of spiny dogfish in state waters for the remainder of the designated period.

7.15.2 Prohibition of Finning – 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 shall be prohibited in all state waters. Vessels that land spiny dogfish must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass must be retained. All fins and carcasses must be landed at the same time and in the same location.

RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 30-3-3)]

D. Harvest broken down by commercial (gear type where applicable) and recreational fishing, and non-harvest losses (when available).

1. Commercial landings data collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 8/23/2012.

2011-FY RI Landings of Spiny Dogfish by Gear Type		
Gear Types	Landings (lbs)	Value (\$)
DREDGE	6,015	\$1,398
FLOATING TRAPS (SHALLOW)	20	\$7
GILL NETS	427,731	\$95,815
HOOK AND LINE	16	\$3
NOT CODED	821,649	\$152,035
OTTER TRAWLS	130	\$26
POTS AND TRAPS	9,511	\$1,902
Totals	1,265,072	\$251,187

Note: Gear is not a federally-required data element; since the advent of “Dealer Electronic Reporting” gear is not audited at the trip level. Use with discretion.

2. Recreational – unknown.

3. Non-harvest losses – unknown.

E. Review of progress in implementing habitat recommendations.

N/A - Habitat recommendations have not been outlined in the FMP. Currently, Rhode Island has no initiatives in this area.

IV. Planned management programs for the current calendar year

- A. Summarize regulations that will be in effect.

Management of spiny dogfish in RI state waters was consistent with ASMFC management actions.

- B. Summarize monitoring programs that will be performed.

The RI Division of Fish & Wildlife, Marine Fisheries Section will continue to collect trip-level reporting of landings of spiny dogfish and quota-managed species using SAFIS.

- C. Highlight any changes from the previous year.

No regulatory or management changes occurred during the 2011 fishing year.

V. Plan specific requirements

- A. Number of spiny dogfish exempted fishing permits issued in the previous fishing year: None.

- B. Actual amount (in numbers of fish and pounds) collected under each exempted fishing permit: Not Applicable.

- C. Other pertinent information (i.e. sex, when and how the spiny dogfish were collected): Not Applicable.

- D. Number of exempted fishing permits issued for the current fishing year: None.

State of Connecticut
Compliance Report for Spiny Dogfish
August 14, 2012

I. Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) requires states to submit an annual report by July 1 of each year to show compliance with the Fishery Management Plan for spiny dogfish. This document fulfills that compliance requirement. This report includes commercial and recreational fishery statistics, monitoring activities and management measures for 2011.

a. Summary of the year highlighting any significant changes in monitoring, regulations or harvest.

There were no significant changes in spiny dogfish monitoring efforts during 2011.

In accordance with the ASMFC plan, commercial trip limits were put in place during 2003 and modified by interim rule making in November 2006 and made final by regulation in March 2007 and modified again in 2009, 2010 and 2011 by interim rule making. During 2011, the commercial fishery trip limit in Connecticut was 3,000 pounds.

Commercial fishing regulations pertaining to spiny dogfish are specified in section 26-159a-19 of the Regulations of Connecticut State Agencies (Appendix I). Connecticut has no recreational spiny dogfish regulations.

II. Request for *de minimus*, where applicable.

N/A

III. Previous calendar year's fishery and management program.

a. Activity and results of fishery dependent monitoring.

All commercial fishermen submitted either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports (VTR) on a monthly basis. Connecticut Department of Energy and Environmental Protection (CT DEEP) Marine Fisheries Division (MFD) staff entered fishermen reports into the Connecticut Marine Fisheries Information System (MFIS) and starting in 2009, into the Standard Atlantic Fisheries Information System (SAFIS) and VTR data is downloaded as needed. Seafood dealers with a federal permit submitted their reports electronically to the National Marine Fisheries Service (NMFS) via SAFIS. Dealers with only state permits submitted reports to the CT DEEP and MFD staff entered the reports into SAFIS. Harvest was monitored by combining fishermen and dealer reports.

Recreational catch and harvest is monitored through the Marine Recreational Fisheries Statistics Survey (MRFSS). CT DEEP staff conducts the fisherman interview (intercept) portion of MRFSS, while the NMFS contractor conducts the telephone survey.

b. Activity and results of fishery independent monitoring.

Spiny dogfish abundance has been monitored in the Long Island Sound Trawl Survey since 1984. Spring (April, May and June) and fall (September and October) surveys are conducted each year.

Spiny dogfish are most consistently taken in the spring portion of the survey with between 0 and 123 fish caught per survey. Dogfish were more commonly taken in the early years of the survey (between 14 and 123 fish per survey from 1985 through 1991). Fewer than 10 fish per year were taken in 9 of the last 18 years. No spiny dogfish were taken during the spring survey in 1995, 1996 and 2000. The 2011 spring survey catch was 57 fish.

c. Copy of regulations that were in effect.

See Appendix 1.

d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses.

Preliminary 2010 landings calculated from the combined fisherman and dealer reports in SAFIS indicate that 185,537 pounds of spiny dogfish were landed commercially in Connecticut compared to the 2002 – 2010 average of 49,788 pounds (Table 1). The large increase in landings in the past three years was due to an increase in the possession limit (from 600 pounds to 3,000 pounds). In 2011, all spiny dogfish were taken by otter trawl. The fishery was closed on September 1, 2011 under authority of section 26-159a-19(c) when it was projected that the quota was to be fully harvested (see notice attached).

Table 1. Commercial and recreational harvest and total recreational catch.

Year	Commercial (pounds)	Recreational Harvest (A+B1) (numbers of fish)	Recreational Catch (A+B1+B2) (numbers of fish)
2002	5,698	175	393
2003	605	2,728	13,682
2004	50,373	25	3,459
2005	83,970	0	55,042
2006	81,451	2,448	42,352
2007	22,763	1,364	10,454
2008	9,095	2,385	11,236
2009	91,860	260	6,587
2010	102,279	0	1,431
2011	185,357	12	25

There are no estimates available for non-harvest losses in either fishery.

e. Review of progress in implementing habitat recommendations.

N/A

IV. Planned management programs for the current calendar year.

a. Summarize regulations that will be in effect (provide copy if different from IIIc).

The ASMFC Fishery Management Plan for Spiny Dogfish allocates the commercial quota between three regions. The northern region (Maine through Connecticut) is allocated 58% of the quota, the southern region (New York through Virginia) is allocated the 26% and North Carolina is allocated the remaining 16%. The trip limit is not to exceed 3,000 pounds until the quota allocated for the region been harvested, at which time the trip limit is reduced to zero pounds. Connecticut implemented, by interim rule making, a 3,000 pound trip limit for the commercial harvest of spiny dogfish for 2009 through 2011 (see Appendix 2). There are no recreational harvest limits.

b. Summarize monitoring programs that will be performed.

Commercial fishery spiny dogfish landings will continue to be monitored through the Connecticut MFIS and SAFIS. All fishermen submit either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports on a monthly basis. Seafood dealers submit monthly reports of purchases from fishermen on a variety of forms. Federally permitted dealers operating in Connecticut must report electronically to NMFS. Electronically reported data is available to the CT DEEP.

c. Highlight any changes from the previous year.

There were no changes in monitoring from the previous year.

V. Plan specific requirements None

Appendix 1. Connecticut fishing regulations for spiny dogfish

26-159a-19. Spiny Dogfish (*Squalus acanthius*)

- (a) No holder of a commercial fishing or landing license or registration permitted to take spiny dogfish from the waters of this state or to land spiny dogfish in this state, regardless of where such fish are taken, shall take, possess or land spiny dogfish in this state in excess of the following possession limits that are based on the coastwide spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as the "Plan":
 - (1) between May 1 and October 31, 600 pounds;
 - (2) between November 1 and April 30, 600 pounds.
- (b) The possession limits specified in subsection (a) of this section shall apply to the aggregate of all persons on board the vessel per trip or per day which ever is the longer period of time. No person shall transfer spiny dogfish between vessels at sea.
- (c) When 100 percent of the quota specified in the plan is landed the possession limit shall be zero pounds.
- (d) The possession of spiny dogfish fins in the absence of the fish from which removed is prohibited.

Appendix 2. Connecticut fishing regulations for spiny dogfish for 2011, implemented by interim rule making. See Attached Declaration 11-06.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

www.ct.gov/dep



DECLARATION OF REGULATION CHANGE (11-06)

Under the authority of 26-159a of the Connecticut General Statutes and Section 26-159a-22 of the Regulations of Connecticut State Agencies, the Commissioner of Environmental Protection is authorized to establish or adjust, by declaration, closed seasons, length limits, creel limits, trip limits and trip limit adjustment values in order to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or the U.S. Department of Commerce.

Effective May 1, under the authority of RCSA Sec. 26-159a-22 the commercial fishery possession limits are modified as follows.

BLACK SEA BASS COMMERCIAL FISHERY POSSESSION LIMIT (RCSA Sec. 26-159a-16(c)).

(B) From May 1 to August 28, inclusive:

- i. in the bottom trawl and fish pot fisheries, 200 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- ii. in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
- iii. in the lobster pot fishery when in possession of lobsters, 10 fish.

SPINY DOGFISH COMMERCIAL FISHERY POSSESSION LIMIT (RCSA Sec. 26-159a-19).

(1) From May 1 to August 28 inclusive, 3,000 pounds;

SUMMER FLOUNDER COMMERCIAL FISHERY POSSESSION LIMIT (RCSA Sec. 26-159a-10).

(C) From May 1 to August 28 inclusive, 200 pounds until a total of 95% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds.

(NEW) Notwithstanding the provisions of subparagraph (C) of this subdivision, if on or after August 1, less than 90% of the Connecticut quota specified in the plan is projected to be landed by November 1, the commercial fishery possession limit shall be 300 pounds.

04/08/2010

10-09

WEAKFISH COMMERCIAL FISHERY POSSESSION LIMIT (NEW)

Effective May 1: 100 pounds. This possession limit shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. Transfer of weakfish between vessels at sea is prohibited.

SCUP COMMERCIAL FISHERY POSSESSION LIMIT (RCSA Sec. 26-159a-15(c)).

(C) Between May 1 and May 31:

- i. in the [~~commercial hook~~], pound net and gillnet fisheries, the possession limit shall be 100 pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
- ii. in the commercial hook, bottom trawl and fish pot fisheries, the possession limit shall be 200 pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
- iii. in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.

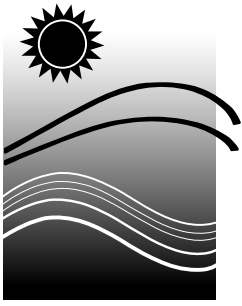
(D) From June 1 to August 28, inclusive:

- i. in the [~~commercial hook~~], pound net and gillnet fisheries, the possession limit shall be 100 pounds [~~until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 25 pounds~~] until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
- ii. in the commercial hook, bottom trawl and fish pot fisheries, the possession limit shall be 200 pounds [~~until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 50 pounds~~] until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
- iii. in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.



Daniel Esty
Commissioner

May 9, 2011
Date



Notice to Commercial Fishermen

CLOSURE

SPINY DOGFISH COMMERCIAL FISHERY CLOSURE

Effective 0001 hours, Thursday, September 1, 2011, the commercial spiny dogfish fishery for the northern states is closed. No license holder shall possess and no vessel shall have on board or land spiny dogfish in Connecticut after this date until May 1, 2012.

The Atlantic States Marine Fisheries Commission (ASMFC) has determined that the quota allocated to the northern states (Maine through Connecticut) will be harvested by September 1. State regulations and the ASMFC Fishery Management Plan for Spiny Dogfish require landings be prohibited once the allocated quota has been landed.

DEEP monitors landings and adjusts trip limits according to Department regulations in an attempt to provide fishing opportunity throughout the year for all participants in the commercial fishery. In addition, the Department strives to provide advance notification of trip limit changes, although this may not always be possible due to rapidly escalating or unanticipated landings. In such circumstances, only a short notification period may be possible.

For further information, contact DEEP Marine Fisheries Division by email at dep.marine.fisheries@ct.gov, by mail at P.O. Box 719, Old Lyme, CT 06371 or by telephone at 860.434.6043 between the hours of 8:30 AM and 4:30 PM, Monday through Friday.

The Department of Energy and Environmental Protection is an affirmative action/equal opportunity employer and service provider. In conformance with the Americans with Disabilities Act, DEEP makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the agency's programs and services, should call 860-424-3035 or e-mail the ADA Coordinator, at dep.aao@ct.gov. Persons who are hearing impaired should call the State of Connecticut relay number 711.

Rev 06/2011



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
& ENVIRONMENTAL CONTROL
DIVISION OF FISH & WILDLIFE
89 Kings Highway
Dover, Delaware 19901

OFFICE OF THE
DIRECTOR

December 18, 2012

Spiny Dogfish Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission
1050 North Highland Street, Suite 200 A-N
Arlington, VA 22201

We would be pleased if you would accept the following report from Delaware as our spiny dogfish compliance report for 2011. If any essential information is missing, please let us know.

ASMFC Spiny Dogfish Compliance Report for the State of Delaware for 2011

- I. In 2007, Delaware revised the spiny dogfish state regulations and re-opened the spiny dogfish commercial fishery. In 2011, Addendum III established individual state quotas for the southern region. Delaware was allocated 179,200 pounds. Delaware utilized 30,670 pounds of quota, as reported through fisherman logbooks, and transferred 100,000 pounds of quota to Maryland. The Marine Recreational Fisheries Statistics Survey (MRFSS) lists 764 spiny dogfish sharks weighing 4,439 lbs. as being harvested in Delaware in 2011 (catch types A+B1). Spiny dogfish are typically only present in Delaware waters during the colder months of the year (late fall, winter, and spring) when fishing effort is much less. The majority of the harvest occurred in wave 6 (Nov. – Dec.) with a total of 687 fish weighing 4,091 lbs. The remainder of the harvest was in waves 3 (May-June). There is always the possibility that there was some misidentification of smooth dogfish as spiny dogfish. In previous years, the MRFSS aggregated spiny dogfish and smooth dogfish landings for Delaware.
- II. On December 12, 2002 Delaware first applied for and subsequently received permission to be classified as *de minimis* for purposes of compliance with the Spiny Dogfish Plan. Commercial landings for 2011 for Delaware were less than 1% of the coast-wide commercial total with 30,670 pounds reported. Delaware hereby requests that this *de minimis* classification continue through the present harvesting season.
- III. Delaware has two fisheries independent surveys that have the potential for taking spiny dogfish. The first is a 30-foot bottom trawl that was deployed

Delaware's good nature depends on you!

monthly in Delaware Bay at nine fixed stations from March through December in 2011. These surveys have been conducted annually since 1990, and before that from 1966-1971 and 1979-1984 using essentially the same gear type. A total of 92 spiny dogfish was taken in 2011 in 90 tows of this gear, and most of these were taken in December (60) with the others being taken in April (7), May (6) and November (19). Spiny dogfish catches per tow and catch per nautical mile since 1966 are included in Table 1. Sex-based indices were generated at the request of the ASMFC and are presented in Tables 2 and 3. Note that sex-specific data are not available prior to 1990.

The second fishery independent survey that has the potential for taking spiny dogfish is the 16-foot bottom trawl which is deployed monthly at 39 fixed stations in Delaware River and Delaware Bay and at 12 fixed stations in Delaware's Inland Bays. This survey is conducted from April through October. This gear includes a 0.5-inch mesh liner in the cod end of the trawl and it targets primarily juvenile fishes. There were no spiny dogfish taken with this gear in 2011 from either the Delaware Bay or Delaware's Inland Bays.

- IV. There are no minimum size or harvest restrictions in place for the recreational harvesting of spiny dogfish.

A regulation closing Delaware's commercial fishery for spiny dogfish passed in 2001. Tidal Finfish Regulation 3581 Spiny Dogfish; Closure of Fishery, Section 1.0 said: "It shall be unlawful for any commercial fisherman to harvest, land or possess any spiny dogfish, Squalus acanthias."

On May 1, 2007 Delaware revised this spiny dogfish regulation to re-open the commercial fishery for spiny dogfish in accordance with ASMFC guidelines and federal law administered by the National Marine Fisheries Service, whichever is more restrictive. This means that it is illegal to land in Delaware any commercially harvested spiny dogfish whenever adjoining federal waters are closed. The daily trip limit is 3,000 lbs. per vessel per day in keeping with present coast-wide restrictions. All landings in Delaware must be reported through the normal state reporting system even if the fish are landed in federal waters. Finning spiny dogfish remains illegal in Delaware.

- V. Delaware received no applications for spiny dogfish exempted fishing permits in 2011 and expects none to be received in 2012.

Respectfully,
John Clark

Administrator of Fisheries,
Delaware Division of Fish and Wildlife

Table 1. Spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

Obs	year	_FREQ_	nopernm	wtpernm	kgpert	numpert
1	1966	56	1.22169	0	0	1.33036
2	1967	75	1.5873	0	0	1.66667
3	1968	49	0.85576	0	0	1.04082
4	1969	42	1.06563	0	0	1.16667
5	1970	35	1.76499	0	0	2.05714
6	1971	39	0.56475	0	0	0.84615
7	1979	99	0.14646	0	0	0.17172
8	1980	93	0.10423	0	0	0.08602
9	1981	98	0.0744	0	0	0.11224
10	1982	40	0	0	0	0
11	1983	38	0	0	0	0
12	1984	45	0.10101	0	0	0.11111
13	1990	61	1.16502	0	0	1
14	1991	72	1.05036	0	0	1.15278
15	1992	89	1.461	0	0	1.51685
16	1993	83	0.82618	0	0	0.90361
17	1994	71	1.58475	0.18893	0.20352	1.66197
18	1995	88	0.10973	0.24364	0.27727	0.125
19	1996	76	0.53585	1.08404	1.10658	0.55263
20	1997	89	0.66296	1.19513	1.35663	0.75281
21	1998	80	1.89426	2.82046	3.1195	2.05
22	1999	87	0.38017	1.0014	1.0277	0.3908
23	2000	90	0.29519	0.82066	0.83644	0.3
24	2001	90	0.33839	0.90901	0.91819	0.34444
25	2002	68	0.16551	0.36203	0.38941	0.17647
26	2003	63	0.38661	0.96688	0.90921	0.36508
27	2004	90	0.36697	0.96659	1.02044	0.38889
28	2005	90	0.09654	0.25717	0.26356	0.1
29	2006	90	0.41587	1.13927	1.18333	0.43333
30	2007	90	0.83748	2.60025	2.69378	0.86667
31	2008	90	1.14511	3.40923	3.44889	1.15556
32	2009	90	1.89624	5.86758	5.90289	1.91111
33	2010	90	0.76526	2.36648	2.37067	0.76667
34	2011	90	1.02612	2.85127	2.84544	1.02222

Table 2. Female spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

Obs	year	_FREQ_	cpue	femcatch	geomn	uplim	lowlim
1	1990	61	0.4262	26	0.1275	0.2782	-0.005
2	1991	72	0.8333	60	0.2702	0.4735	0.095
3	1992	89	1.3034	116	0.2271	0.4221	0.0589
4	1993	83	0.6627	55	0.2019	0.3594	0.0627
5	1994	71	1.338	95	0.3747	0.6557	0.1413
6	1995	88	0.0682	6	0.0346	0.0792	-0.008
7	1996	76	0.3421	26	0.1415	0.2604	0.0338
8	1997	89	0.3727	33.167	0.1709	0.2904	0.0624
9	1998	80	0.925	74	0.2554	0.4541	0.0838
10	1999	87	0.2644	23	0.1314	0.2287	0.0418
11	2000	90	0.1889	17	0.0913	0.1662	0.0211
12	2001	90	0.2333	21	0.0902	0.1761	0.0106
13	2002	68	0.1618	11	0.0777	0.1617	-3E-04
14	2003	63	0.1587	10	0.0634	0.1483	-0.015
15	2004	90	0.1667	15	0.078	0.1504	0.0102
16	2005	90	0.0556	5	0.028	0.0687	-0.011
17	2006	90	0.3222	29	0.1276	0.2327	0.0314
18	2007	90	0.4333	39	0.1569	0.2835	0.0429
19	2008	90	1.0333	93	0.3957	0.6176	0.2042
20	2009	90	1.6333	147	0.4397	0.7088	0.213
21	2010	90	0.5778	52	0.2412	0.3946	0.1047
22	2011	90	0.6667	60	0.2716	0.4338	0.1278

Table 3. Male spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

Obs	year	_FREQ_	cpue	malcatch	geomn	uplim	lowlim
1	1990	61	0.1312	8	0.0465	0.1241	-0.026
2	1991	72	0.3194	23	0.0939	0.2053	-0.007
3	1992	89	0.2135	19	0.0827	0.1671	0.0044
4	1993	83	0.241	20	0.0747	0.1647	-0.008
5	1994	71	0.3239	23	0.1394	0.2576	0.0323
6	1995	88	0.0568	5	0.032	0.072	-0.006
7	1996	76	0.1974	15	0.0761	0.1595	-0.001
8	1997	89	0.3802	33.8333	0.1423	0.2565	0.0385
9	1998	80	1.125	90	0.3552	0.5981	0.1492
10	1999	87	0.1264	11	0.0722	0.1348	0.0132
11	2000	90	0.1	9	0.0259	0.0794	-0.025
12	2001	90	0.1111	10	0.0649	0.1214	0.0113
13	2002	68	0.0147	1	0.0103	0.031	-0.01
14	2003	63	0.1746	11	0.0991	0.1881	0.0167
15	2004	90	0.1556	14	0.0615	0.1309	-0.004
16	2005	90	0.0444	4	0.028	0.0616	-0.005
17	2006	90	0.1111	10	0.0568	0.1137	0.0028
18	2007	90	0.1333	12	0.0534	0.116	-0.006
19	2008	90	0.1222	11	0.0628	0.1239	0.005
20	2009	90	0.2778	25	0.1024	0.1982	0.0143
21	2010	90	0.1889	17	0.0756	0.1501	0.0058
22	2011	90	0.3556	32	0.1122	0.2204	0.0136

Maryland's 2011 Spiny Dogfish (*Squalus acanthias*) Compliance Report to the Atlantic States Marine Fisheries Commission

I. Introduction

National Marine Fisheries Service (NMFS) declared Spiny Dogfish as overfished in 1998. The federal Fisheries Management Plan (FMP) was fully implemented by the beginning of the 2000 – 2001 fishing year. In order to prevent overfishing in state waters, the Atlantic States Marine Fisheries Commission (ASMFC) Interstate FMP for Spiny Dogfish was approved in November 2002 and implemented for the 2003 – 2004 fishing year.

Three addenda were implemented since passage of the Interstate FMP in 2002. Addendum I was approved in November 2005. It provided the Management Board with authority to establish specifications for up to five years.

Addendum II was approved in October 2008. It replaced seasonal quotas with regional quotas and required regional payback of overages. Specifically, the Atlantic states from Maine south to North Carolina were broken down into three regions each with a percent of the total quota:

- Maine to Connecticut (Northern Region) 58%;
- New York to Virginia (Southern Region) 26%; and
- North Carolina 16%.

Addendum III was approved in April 2011. It replaced the Southern Region and North Carolina quotas with state specific shares. The Northern Region receives 58% of the coastal quota and the remaining 42% is broken down in the following manner:

- New York 2.707%;
- New Jersey 7.644%;
- Delaware 0.896%;
- Maryland 5.920%;
- Virginia 10.795%; and
- North Carolina 14.036%.

Quota overages will be deducted from the appropriate region or state in the next fishing season. States not included in the Northern Region may transfer quota. The recipient of transferred quota is responsible for any overages. Up to 5% of unused quota, inclusive of transferred quota, may be rolled over to the next fishing season. With the exception of the Northern Region, states set their own possession limits. The Management Board sets possession limits for the Northern Region. These terms expire in three years unless extended by the Management Board.

II. Request for *De Minimis*

No *de minimis* status requested.

III. Previous Year's Fishery and Management Program

A. Fishery Dependent Monitoring

There is no specific at sea sampling program for Spiny Dogfish in Maryland. There was limited biological sampling of catch onboard commercial offshore trawlers but zero Spiny Dogfish were captured.

B. Fishery Independent Monitoring

No fishery independent monitoring for dogfish was conducted in Maryland state waters.

C. Previous Year's Fishery and Management Program

For the 2011/2012 season, Maryland established a 3,000 pound possession limit. Code of Maryland Regulations (COMAR) pertaining to Spiny Dogfish are contained in section 08.02.05.24:

- A. An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the federal Exclusive Economic Zone (EEZ), which are defined as those ocean waters between 3 and 200 miles offshore, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.
- B. Finning Prohibition.
 - 1. "Finning" means removing only the fins of a spiny dogfish and returning the remainder of the dogfish to the sea.
 - 2. Finning is prohibited.
 - 3. An individual may not possess spiny dogfish fins without carcasses aboard a vessel.
 - 4. Fins may be removed at sea but shall be landed in proper proportion to the number of carcasses landed.
 - 5. An individual may not possess or land spiny dogfish fins which constitute more than 5 percent by weight of any catch of spiny dogfish.
- C. General
 - 1. The Secretary may modify catch limits or open or close a season in State waters by publishing a notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
 - 2. The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

Additionally, Natural Resource Article, §4-206, Annotated Code of Maryland provides MDNR the authority to require weekly dealer reports.

- A. The Department shall audit the books of any person who packs or deals in fish resources within the jurisdiction of the Department including anyone who catches and ships directly to market. The Department audit shall be conducted to determine the quantity of resources caught and any other data needed for reporting and accounting to State officials.
- B. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall keep accurate books, statements, and accounts showing every detail of the business. Every book, statement, and account shall be open for the Department to inspect at reasonable hours. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall make any report the Department requires on forms the Department prescribes.
- C. Every person the Department licenses to catch the fish resource shall make any report the Department requires on forms the Department provides.
- D. An officer or employee of any department or unit of the Executive Branch of State government may not divulge or use in any manner information contained in any report submitted pursuant to the provisions of this section

that would reveal the income of any person submitting the report. This section does not prohibit the publication of statistics classified to prevent the identification of particular reports and items of them or prohibit inspection of reports and records by any official or employee of the Executive Branch having a proper interest in them.

The following public notice was issued:

MARYLAND DEPARTMENT OF NATURAL RESOURCES
SPINY DOGFISH FISHERY LANDING LIMITS IN MARYLAND WATERS

The Secretary of Maryland Department of Natural Resources, pursuant to the Code of Maryland Regulations 08.02.05.24C, reminds commercial license holders that the commercial spiny dogfish fishery opened at 12:01 a.m., May 1, 2011. Commercial fishing vessels without a federal spiny dogfish permit from the National Marine Fisheries Service (NMFS) may possess or land in Maryland up to 3000 pounds of spiny dogfish per day from Maryland waters (0 – 3 miles from shore). The daily landings may be modified or the fishery may be closed if the NMFS determines the fishery's quota is reached.

D. Harvest by Gear Type

There were two federally permitted commercial dealers in Ocean City, MD, Martins and Southern Connection Ocean City (SCOC). They reported vessel landings using Standard Atlantic Fisheries Information System (SAFIS) which is operated by the Atlantic Coastal Cooperative Statistics Program (ACCSP). NOAA began requiring federal dealers to report using online tools in 2004. MD fishermen and dealers started voluntarily using SAFIS at the same time in 2004.

1. Commercial Landings and Non-harvest Losses

Preliminary landings indicated that the Maryland harvest was 1,264,978 lbs. The ACCSP Data Warehouse was used to obtain landings from May through December 2011 and SAFIS was used to obtain preliminary landings for January through April 2012. No discard estimates were available for dogfish. Most of the Spiny Dogfish were caught in December, Period II, using gill nets (39%; Figure 1). Gill net was the gear used for 73% of the landings.

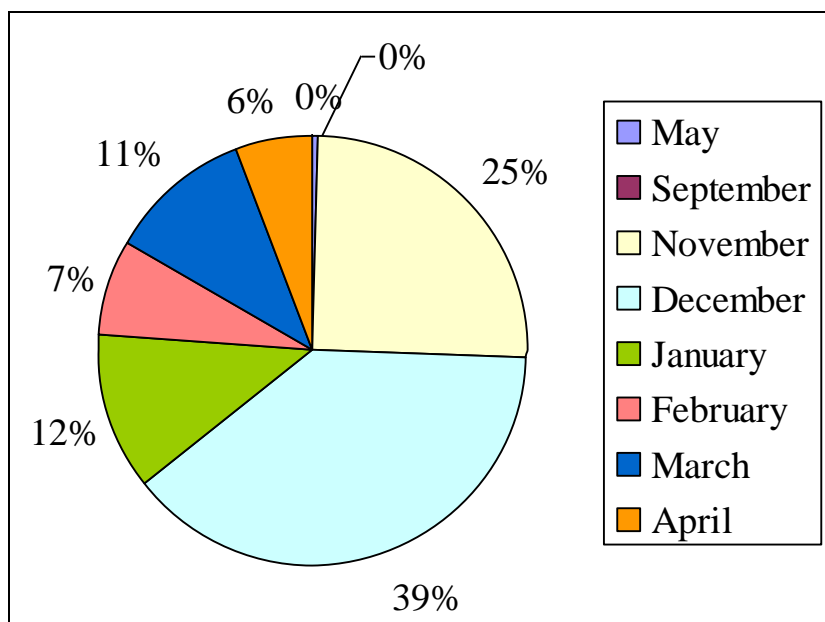


Figure 1. Spiny Dogfish Monthly Percent of Catch May 2011-April 2012.

2. Recreational Landings

The National Marine Fisheries Service (NMFS) Recreational Fisheries Statistics website (www.st.nmfs.noaa.gov/st1/recreational/queries/index.html) currently does not have data specific to Spiny Dogfish. Instead, recreational landings were lumped into a dogfish shark subgroup. Maryland recreational landings from the NMFS Recreational Fisheries Statistics website reported no observed or reported harvest of dogfish sharks for May 2011 through April 2012. All 2012 data are considered preliminary. Final released alive values for dogfish sharks were 1,381 fish for May/June (PSE \pm 99.9), 10,888 for September/October (PSE \pm 69.9), and 12,241 for November/December (PSE \pm 62.3). Spiny Dogfish are typically unavailable in Maryland waters from June-October and the data are probably relevant to smooth dogfish.

E. Review of progress in implementing habitat recommendations (if applicable).

Not applicable.

IV. Planned management programs for the current fishing year.

A. Summary of Regulations that will be in Effect

There are currently no plans to change COMAR. Daily landings may be modified or the fishery may be closed if MDNR Fisheries Service determines the fishery quota is reached. The following press release was issued to announce the state waters trip limit. This trip limit may change later in the season.

DNR Reminds [Commercial] Anglers of Spiny Dogfish Regulations

Annapolis, Md. (May 2, 2012) —The Maryland Department of Natural Resources (DNR) announces that the commercial spiny dogfish fishery is open; [commercial] anglers without a permit from the National Marine Fisheries Service may catch up to 3,000 pounds of the fish per day from Maryland waters, within three miles of the shore.

The daily limits may be modified or the fishery may be closed if the National Marine Fisheries Service determines the fishery's quota is reached. Information and regulations are available at nmfs.noaa.gov/sfa/hms/.

B. Summary of Monitoring Programs that will be in Effect

Dogfish will be counted and measured when present in the catch during limited biological sampling at sea.

C. Highlights of Changes from the Previous Year

There were no changes.

V. Plan Specific Requirements

A. Indicate the number of Spiny Dogfish Exempted Fishing Permits (EFP) issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the Spiny Dogfish were collected).

Zero Spiny Dogfish EFP's were issued in Maryland for the 2011-2012 fishing season.

VI. Law Enforcement Requirements

None.



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
2600 Washington Avenue
Third Floor
Newport News, Virginia 23607*

Douglas W. Domenech
Secretary of Natural Resources

Jack G. Travelstead
Commissioner

June 29, 2012

MEMORANDUM

TO: Chris Vonderweidt, Spiny Dogfish Fishery Management Plan Coordinator
Atlantic States Marine Fisheries Commission

FROM: Joseph Grist, Senior Manager, Fisheries Management Division
Virginia Marine Resources Commission

SUBJECT: Virginia's 2012 Compliance Report for Spiny Dogfish

The attached document describes Virginia's spiny dogfish landings and management program for the 2011/2012 fishing year.

Please contact me at 1-757-247-2237 if you need additional information regarding this report.

JDG:ak

attachment

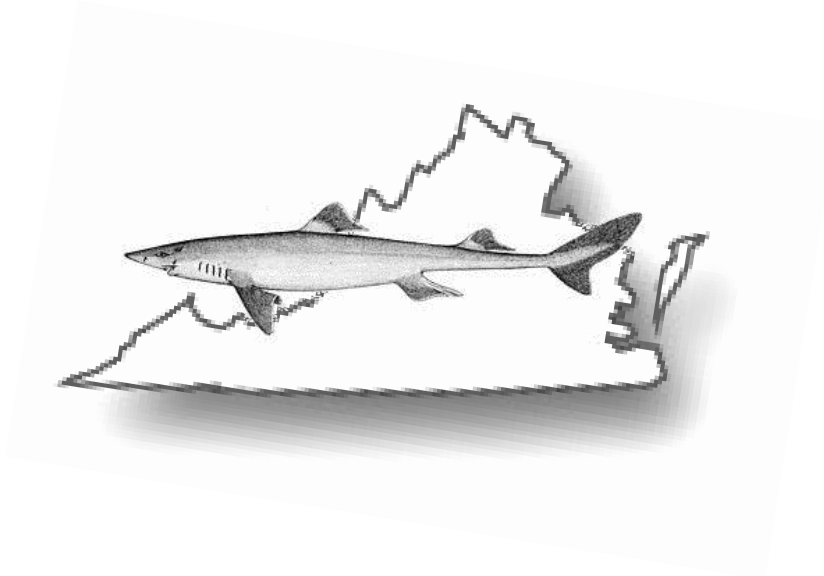
An Agency of the Natural Resources Secretariat

www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

Annual Compliance Report
to the
Atlantic States Marine Fisheries Commission

**Spiny Dogfish Fisheries and Management
in
Virginia
Review of 2011/2012 Fishing Season**



Prepared by:
Joseph Grist
Virginia Marine Resources Commission

JUNE 2012

SPINY DOGFISH COMPLIANCE REPORT

I. Introduction

Commercial landings estimates for the 2011/2012 fishing season (May 1 through April 30) are preliminary, to date, and final landings estimates will be available once the data are verified and duplicates are removed (Table 1). The current estimate of Virginia's 2011/2012 commercial landings of spiny dogfish is 2,285,760 pounds.

The harvest (Type A+B1) of spiny dogfish by Virginia's recreational fishery increased from 2010 to 2011. In 2010, a total of 442 pounds of spiny dogfish were landed by recreational anglers. Virginia's recreational harvest of spiny dogfish was 12,048 pounds in 2011 (Table 2). Note that recreational fishery statistics estimated for Virginia's recreational spiny dogfish fishery have been associated with low precision, resulting from the limited numbers of spiny dogfish available for sampling from anglers.

II. Request for *de minimis*, where applicable

The Commonwealth of Virginia does not wish to apply for *de minimis* status.

III. Previous calendar year's fishery and management program

a. Activity and results of fishery-dependent monitoring (provide general results and references to technical documentation).

1. Commercial

There are currently no fishery-dependent sampling programs in Virginia that target spiny dogfish, for collection from the commercial fishery.

2. Recreational

The intercept component of the Marine Recreational Fishing Statistic Survey (MRFSS) program interviews anglers to collect demographic information and individual catch data. The raw intercept files demonstrate few spiny dogfish have been encountered during surveys of anglers intercepted in Virginia. Beginning in 2010 a new Marine Recreational Information Program (MRIP) was initiated to provide recreational fishing estimates based on angler intercepts. The estimates for MRIP are available from 2004 through 2011. Type A+B1 harvest based on MRIP estimates range from a low in 2007 of 13 fish, to a high in 2011 of 4,937 fish (Table 2).

b. Activity and results of fishery-independent monitoring (provide general results and references to technical documentation).

There are currently no fishery-independent surveys in Virginia that observe sufficient quantities of spiny dogfish to be considered adequate for monitoring species trends.

c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

A copy of regulation 4 VAC 20-490-10 et seq., “Pertaining to Sharks”, that was in effect for the 2011/2012 fishing year is provided in Appendix A.

1. Commercial

All vessels landing seafood in Virginia for commercial purposes must possess a Seafood Landing License, unless the vessel owner possesses a current Virginia Commercial Fisherman Registration License. All registered commercial fishermen and holders of seafood landing licenses are required to report daily harvest from Virginia tidal and federal waters to the VMRC on a monthly basis, with report due on the 5th day of the following month. All licensed seafood buyers are required to use a certified scale for determining the weight of fish, shellfish, or marine organisms that are regulated by a harvest weight limit or quota, possession weight limit, or landing weight limit.

According to Virginia regulations, it is unlawful to place, set, or fish a longline in Virginia’s tidal waters (see Section 30 of Regulation 4 VAC 20-490-10 et seq., Appendix A). Virginia regulations define a longline as any fishing gear that is set horizontally (either anchored, floating, or attached to a vessel), consists of a mainline or groundline greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, and is retrieved by hand or mechanical means. Virginia also prohibits the practice of finning (see Section 50 of Regulation 4 VAC 20-490-10 et seq., Appendix A).

On March 23, 2011, the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish. The addendum divided the southern region quota (New York through North Carolina), or 42% of the coast-wide quota, into state-specific shares. Virginia received 10.795% of the annual coast-wide quota for May 1, 2011, through April 30, 2012, or 2,159,000 pounds. The addendum also allows for quota transfers between states, rollovers of up to five percent of the state-specific share, state specified possession limits, and includes a three-year reevaluation of the measures (see Section 42 of Regulation 4 VAC 20-490-10 et seq., Appendix A). On April 27, 2011, the ASMFC Spiny Dogfish and Coastal Sharks Management Board issued preliminary region and state quotas adjusted for overages from the 2010/2011 fishing season for the 2011/2012 fishing season. The adjusted state-specific quota for Virginia for May 1, 2011, through April 30, 2012, is 2,148,224 pounds.

The commercial harvest of spiny dogfish was closed to state waters on December 7, 2011, following the announcement that the 2011/2012

southern region quota for state waters was taken. Virginia regulations prohibit the commercial harvest of spiny dogfish from state waters, once it has been announced that the interstate quota has been reached. Fishing from state waters was allowed to resume May 1, 2011.

The National Marine Fisheries Service (NMFS) establishes the annual quotas and possession limits of spiny dogfish harvested from federal waters. The quota is allocated between two periods within the fishing year (May 1 through April 30 of the following year). Period 1 (May 1 through October 31) is allocated 57.9% of the quota and 42.1% of the quota is allocated to Period 2 (November 1 through April 30 of the following year). A vessel possession limit of 3,000 pounds of spiny dogfish has been set for both quota periods. Once it has been announced that the federal quota has been harvested, it is illegal to possess aboard a vessel or land in Virginia any spiny dogfish harvested from federal waters (see Section 42 of Regulation 4 VAC 20-490-10 et seq., Appendix A).

In 2009, Virginia created a limited entry permit for the harvest of spiny dogfish, at the request of industry, to prevent overcapitalization in the fishery. Harvesters were given permits if they met minimum historical landings of spiny dogfish. In 2011, a total of 110 permits were authorized, and the number of spiny dogfish permits was capped at that level. Transferability is only permitted for situations involving military deployment, incapacitation, or death of the permittees.

2. Recreational

The Commonwealth of Virginia requires a license to take or catch marine species for recreational purposes in tidal waters. Recreational fishing for spiny dogfish in Virginia is not constrained by size restrictions, possession limits, or seasons. Virginia does prohibit the practice of finning (see Section 50 of Regulation 4 VAC 20-490-10 et seq., Appendix A).

d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).

1. Commercial

Commercial landings data characterizing harvest from state waters were obtained through the VMRC mandatory reporting database, while information on harvest from federal waters is provided by the NMFS. Both federal and state harvest data for the 2011/2012 fishing season are represented as preliminary and final data will be available once they are verified and the duplicates removed.

The current estimate of Virginia's 2011/2012 commercial landings of spiny dogfish is 2,285,760 pounds. Since 2003, the majority of spiny

dogfish landed in Virginia have been harvested from state waters (Table 1).

2. Recreational

In 2011, the MRIP estimated that 4,937 spiny dogfish (35,695 pounds) were landed (Type A+B1) in Virginia by recreational anglers (Table 2). The MRIP estimate of the number of spiny dogfish that were caught in state waters and released alive (Type B2) in 2011 was 12,048 fish. A total of 90 spiny dogfish harvested from federal waters (> 3 miles) were released alive.

IV. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect. (copy of current regulations if different from III c).

1. Commercial

Regulations governing license and reporting requirements for the landing of seafood in Virginia, by commercial vessels, will continue to be in effect in 2012. Commercial harvest and landings of spiny dogfish in Virginia will continue to be monitored through the VMRC mandatory reporting system.

2. Recreational

Virginia anglers will continue to be required to possess a license to take or catch finfish for recreational purposes in 2012. Virginia anglers that are exempt from possessing a license and above age-15 are required to register with the Virginia Fisherman Identification Program. There are no plans to impose size, possession, or season restrictions on Virginia's recreational fishery for spiny dogfish. The MRIP program will continue to serve as the primary source of recreational fisheries statistics for Virginia. The MRIP intercept interview and headboat survey records will be processed to summarize any spiny dogfish observed and sampled from Virginia's marine recreational fisheries in 2012.

b. Highlight any changes from the previous year.

On May 4, 2012 the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved Draft Addendum IV for public comment as well as increased the 2012/2013 spiny dogfish quota from 30 to 35.6 million pounds. The Virginia quota for the 2012/2013 fishing season, adjusted for overages, will be 3,764,732 pounds. On June 28, 2012 this change in quota was adopted into VMRC regulation in Section 42 of Virginia Chapter 4 VAC 20-490-10 et seq.(Appendix B).

V. Plan Specific Requirements

a. Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds)

collected under each exempted fishing permit, as well as any other pertinent information (i.e., sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

No spiny dogfish exempted fishing permits were issued in 2011. As of June, none have been issued in 2012.

VI. References

ASMFC (Atlantic States Marine Fisheries Commission). 2002. Interstate fishery management plan for spiny dogfish. ASMFC, Fishery Management Report No. 40, Washington, D.C. 128 p.

_____. 2008. Addendum II to the interstate fishery management plan for spiny dogfish. ASMFC, Washington, D.C. 7 p.

Table 1. Annual estimates of spiny dogfish commercial landings in Virginia, by harvest area, 1994–2011 fishing years. A fishing year is defined as May 1 through April 30 of the following year.

Fishing Year	State Water	Federal Waters	Total
1994	63,098	203,602	266,700
1995	19,495	528,074	547,569
1996	420,976	2,478,213	2,899,189
1997	383,648	3,100,300	3,483,948
1998	302,313	4,345,963	4,648,276
1999	191,495	1,142,710	1,334,205
2000	645	50	695
2001	749	1,502	2,251
2002	1,786	3,023	4,809
2003	224,613	240	224,853
2004	12,360	--	12,360
2005	21,207	2,420	23,627
2006	1,805,569	895,952	2,701,521
2007	1,970,823	520,406	2,491,229
2008	1,917,811	503,316	2,421,127
2009	1,214,179	222,162	1,436,341
2010	975,988	554,100	1,530,088
2011*	1,291,796	993,964	2,285,760

*2011 Data is preliminary

Table 2. Annual estimates of the number of spiny dogfish landed (Type A+B1) in Virginia by recreational anglers and released live (Type B2), all areas combined, 1994–2011.

Year	Harvest (Type A +B1)				Released Alive (Type B2)	
	Number	PSE [Number]	Weight (lb)	PSE [Weight]	Number	PSE [Number]
1994	2,632	45.4	12,376	77.2	3,207	52.2
1995	2,638	51.3	10,555	72.3	4,963	53.5
1996	167	100.0	--	--	2,989	50.2
1997	743	44.4	4,323	44.6	23,519	31.5
1998	3,151	71.8	10,511	71.2	5,774	45.3
1999	472	85.1	417	85.7	81	85.3
2000	107	71.1	351	71.3	1,061	100
2001	127	64.5	841	68.1	10,984	49.7
2002	425	74.0	1,746	74.1	4,567	57.1
2003	739	72.3	3,850	78.7	127	77.4
2004*	1,432	98.5	8,180	98.2	23,245	70.4
2005	511	76.4	3,656	77.5	4,469	64.1
2006	166	103.2	1,316	103.2	56,637	50.4
2007	13	112.0	83	112.0	27,796	31.4
2008	15	74.8	127	81.9	21,069	34.7
2009	30	21.6	158	11.2	39,287	29.8
2010	66	87.4	442	85.4	8,367	63.7
2011	4,937	74.4	35,695	74.0	12,048	59.4

*2004-2011 estimated using MRIP data

APPENDIX A.

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2011/2012 fishing year.

VIRGINIA MARINE RESOURCES COMMISSION "PERTAINING TO SHARKS" CHAPTER 4 VAC 20-490-10 ET SEQ. PREAMBLE

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated April 27, 2010 and made effective on May 1, 2010. The effective date of this chapter, as amended, is July 1, 2011.

4VAC20-490-10. PURPOSE.

The purpose of this chapter is to ensure the conservation of shark resources by preventing overfishing by commercial and recreational fisheries and to control the practice of finning.

4VAC20-490-20. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"*Carcass length*" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation lines, as specified in Coastal Pilot, 35th and 36th editions by Lighthouse Press.

“*Commercial shark fisherman*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“*Commercially permitted nonsandbar large coastal shark*” means any of the following species:

Blacktip, *Carcharhinus limbatus*

Bull, *Carcharhinus leucas*

Great hammerhead, *Sphyrna mokarran*

Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Scalloped hammerhead, *Sphyrna lewini*
Silky, *Carcharhinus falciformis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*

Shortfin mako, *Isurus oxyrinchus*

Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*

White, *Carcharodon carcharias*

“Control rule” means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

“Dressed weight” means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"Finning" means removing the fins and returning the remainder of the shark to the sea.

"Fork length" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

“Movable gill net” means any gill net other than a staked gill net.

“Large mesh gill net” means any gill net having a stretched mesh equal to or greater than 5 inches.

"Longline" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

“Permitted commercial gear” means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

“Recreational shore angler” means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

“Recreational vessel angler” means a person fishing from a vessel or transported to or from a fishing location by a vessel.

“Recreationally permitted shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

Great hammerhead, *Sphyrna mokarran*

Lemon, *Negaprion brevirostris*

Nurse, *Ginglymostoma cirratum*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Scalloped hammerhead, *Sphyrna lewini*
Shortfin mako, *Isurus oxyrinchus*
Smooth Dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

“Recreationally prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

“Research only shark” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“Shark shortline” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“Small mesh gill net” means any gill net having a stretched mesh less than 5 inches.

“Smooth Dogfish” means any shark of the species *Mustelus canis*.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

4VAC20-490-30. GEAR RESTRICTIONS.

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

4VAC20-490-35. [Repealed]

4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.
- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.
- C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.
- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.

- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.

- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
 - 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
 - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.

- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.

- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.

- I. The Commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the Commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.

- A. For the 12-month period of May 1, 2011, through April 30, 2012, the spiny dogfish commercial landings quota shall be limited to 2,148,224 pounds.

- B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters, for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

- C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia more than 3,000 pounds of spiny dogfish per day for commercial purposes.

- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

4VAC20-490-43. LIMITED ACCESS CONTROL RULE.

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the following criteria:
 - 1. Shall have documented on Virginia mandatory harvest reporting forms harvest from a legally licensed, movable gill net for an average of at least 60 days from 2006 through 2008, and a minimum harvest of 1 pound of spiny dogfish at any time from 2006 through 2008.
 - 2. Shall have documented on Virginia mandatory reporting forms harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008.
 - 3. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February, 2006 through 2008, shall be classified as spiny dogfish when determining

eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions 1 and 2 of this subsection.

- B. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- C. The use of agents in the spiny dogfish fishery is prohibited.
- D. The Commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection B of this section to any individual who meets any of the following criteria:
 - 1. Demonstrates a significant hardship on the basis of health and provides the Commissioner documentation, by an attending Physician, of the medical condition.
 - 2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the Commissioner an explanation, in writing, and copy of the military orders for active duty.
 - 3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

4VAC20-490-45. [Repealed]

4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.

- A. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.
- B. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

4VAC20-490-47. CONTROL DATE

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

4VAC20-490-50. FINNING.

It shall be unlawful for any person to engage in finning.

4VAC20-490-60. [Repealed]

4VAC20-490-70. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

APPENDIX B.

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2012/2013 fishing year.

VIRGINIA MARINE RESOURCES COMMISSION "PERTAINING TO SHARKS" CHAPTER 4 VAC 20-490-10 ET SEQ.

PREAMBLE

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated June 28, 2011 and made effective on July 1, 2011. The effective date of this chapter, as amended, is June 1, 2012.

4 VAC 20-490-10. PURPOSE.

The purpose of this chapter is to ensure the conservation of shark resources by preventing overfishing by commercial and recreational fisheries and to control the practice of finning.

4 VAC 20-490-20. DEFINITIONS.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“*Agent*” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

“*Carcass length*” means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation lines, as specified in Coastal Pilot, 35th and 36th editions by Lighthouse Press.

“*Commercial shark fishermen*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“*Commercially Permitted nonsandbar large coastal shark*” means any of the following species:

Blacktip, *Carcharhinus limbatus*
Bull, *Carcharhinus leucas*
Great hammerhead, *Sphyrna mokarran*
Lemon, *Negaprion brevirostris*
Nurse, *Ginglymostoma cirratum*
Scalloped hammerhead, *Sphyrna lewini*
Silky, *Carcharhinus falciformis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*
Oceanic whitetip, *Carcharhinus longimanus*
Porbeagle, *Lamna nasus*
Shortfin mako, *Isurus oxyrinchus*
Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*
Blacknose, *Carcharhinus acronotus*
Bonnethead, *Sphyrna tiburo*
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sevengill, *Heptranchias perlo*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*

Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

“*Control rule*” means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

“*Dressed weight*” means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

“*Finning*” means removing the fins and returning the remainder of the shark to the sea.

“*Fork length*” means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

“*Movable Gill Net*” means any gill net other than a staked gill net.

“*Large mesh gill net*” means any gill net having a stretched mesh equal to or greater than 5 inches.

“*Longline*” means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

“*Permitted commercial gear*” means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

“*Recreational shore angler*” means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

“*Recreational vessel angler*” means a person fishing from a vessel or transported to or from a fishing location by a vessel.

“*Recreationally permitted shark*” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*

Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

Great hammerhead, *Sphyrna mokarran*

Lemon, *Negaprion brevirostris*

Nurse, *Ginglymostoma cirratum*

Oceanic whitetip, *Carcharhinus longimanus*

Porbeagle, *Lamna nasus*
Scalloped hammerhead, *Sphyrna lewini*
Shortfin mako, *Isurus oxyrinchus*
Smooth Dogfish, *Mustelus canis*
Smooth hammerhead, *Sphyrna zygaena*
Spinner, *Carcharhinus brevipinna*
Thresher, *Alopias vulpinus*
Tiger, *Galeocerdo cuvier*

“*Recreationally prohibited shark*” means any of the following species:

Atlantic angel, *Squatina dumeril*
Basking, *Cetorhinus maximus*
Bigeye sand tiger, *Odontaspis noronhai*
Bigeye sixgill, *Hexanchus nakamurai*
Bigeye thresher, *Alopias superciliosus*
Bignose, *Carcharhinus altimus*
Caribbean reef, *Carcharhinus perezii*
Caribbean sharpnose, *Rhizoprionodon porosus*
Dusky, *Carcharhinus obscurus*
Galapagos, *Carcharhinus galapagensis*
Longfin mako, *Isurus paucus*
Narrowtooth, *Carcharhinus brachyurus*
Night, *Carcharhinus signatus*
Sand tiger, *Carcharias taurus*
Sandbar, *Carcharhinus plumbeus*
Sevengill, *Heptranchias perlo*
Silky, *Carcharhinus falciformis*
Sixgill, *Hexanchus griseus*
Smalltail, *Carcharhinus porosus*
Whale, *Rhincodon typus*
White, *Carcharodon carcharias*

“*Research Only shark*” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“*Shark shortline*” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“*Small mesh gill net*” means any gill net having a stretched mesh less than 5 inches.

“*Smooth dogfish*” means any shark of the species *Mustelus canis*.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

4 VAC-20-490-30. GEAR RESTRICTIONS.

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the federally required release equipment, for pelagic and bottom longlines, for the safe handling, release and disentanglement of sea turtles and other non-target species; all captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

4 VAC 20-490-35. SPINY DOGFISH QUOTA: (Repealed)

4 VAC 20-490-40. RECREATIONAL CATCH LIMITATIONS.

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.
- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall

constitute a violation of this regulation.

C. It shall be unlawful for any person to possess any recreationally prohibited shark.

D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.

E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.

F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

4 VAC 20-490-41. COMMERCIAL CATCH LIMITATIONS.

A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.

B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.

C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.

D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.

E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.

F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided

the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:

1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and

2) All fishing gear aboard the vessel is stowed and not available for immediate use.

G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.

H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.

I. The Commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the Commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

4 VAC 20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.

A. For the 12-month period of May 1, 2012, through April 30, 2013, the spiny dogfish commercial landings quota shall be limited to 3,764,732 pounds.

B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters, for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.

C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia more than 3,000 pounds of spiny dogfish per day for commercial purposes.

D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.

E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.

F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

4 VAC 20-490-43. LIMITED ACCESS CONTROL RULE.

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

4 VAC 20-490-44. SPINY DOGFISH LIMITED ENTRY PERMIT AND PERMIT TRANSFERS.

A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the following criteria:

1. Shall have documented on Virginia mandatory harvest reporting forms harvest from a legally licensed, movable gill net for an average of at least 60 days from 2006 through 2008, and a minimum harvest of 1 pound of spiny dogfish at any time from 2006 through 2008.

2. Shall have documented on Virginia mandatory reporting forms harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008.

3. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February, 2006 through 2008, shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions 1 and 2 of this subsection.

B. It shall be unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.

C. The use of agents in the spiny dogfish fishery is prohibited.

D. The Commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection B of this section to any individual who meets any of the following criteria:

1. Demonstrates a significant hardship on the basis of health and provides the Commissioner documentation, by an attending Physician, of the medical condition.

2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the Commissioner an explanation, in writing, and copy of the military orders for active duty.

3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

4 VAC 20-490-45. REPORTING REQUIREMENTS. (Repealed)

4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.

A. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.

B. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

4VAC20-490-47. CONTROL DATE

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

4 VAC 20-490-50. FINNING.

It shall be unlawful for any person to engage in finning.

4VAC20-490-60. [Repealed]

4 VAC 20-490-70. PENALTY.

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

* * * * *

ASMFC Interstate Fishery Management Plan for Spiny Dogfish

North Carolina Annual Spiny Dogfish Compliance Report 2011-2012

August 2012



NC Department of Environment and natural Resources

Division of Marine Fisheries

PO Box 769

Morehead City, NC 28557

I. Introduction

North Carolina spiny dogfish landings for the 2011-2012 fishing season totaled 2,726,847 pounds. Landings increased by 168,307 pounds from the 2010-2011 landings of 2,558,540 pounds. The ASMFC quota for the 2011-2012 fishing year was set at 20 million pounds. The trip limit, for North Carolina, was 4,000 pounds for both Harvest Period I (May 1-October 31) and Harvest Period II (November 1 - April 30).

In March of 2011 the board approved Addendum III to the Spiny Dogfish FMP which dissolved the Southern Region (NY-VA) allocation established in Addendum II and set state shares from New York to Virginia. The Northern Region states from Connecticut to Maine will continue to share 58% of the annual quota. Since 2007 the board has set a maximum possession limit of 3,000 pounds with annual quotas increasing from 6 million pounds in 2006/2007 to 20 million pounds for the 2011/2012 season. For the 2011/2012 season the Southern allocated states were allowed to set possession limits as best suits their needs.

II. *De minimis* status

North Carolina does not request *de minimis* status for the 2012-2013 fishing year.

III. 2011-2012 Spiny Dogfish Fishery and Management Program

A. Activity and Results of Fishery-Dependent Monitoring

Fishery dependent sampling of North Carolina commercial fisheries has been ongoing since 1982 (conducted under Title III of the Interjurisdictional Fisheries Act and funded in part by the US Department of Commerce, National Marine Fisheries Service). Predominate fisheries sampled included the ocean gill net fishery, estuarine gill net fishery, winter trawl fishery, long haul seine/swipe net fisheries, beach haul seines and pound net fisheries. The ocean gill net fishery is responsible for the majority of the spiny dogfish landings in North Carolina. Spiny dogfish were sampled from 65 ocean gill net, one winter trawl and one beach seine catch in the 2011/2012 fishing year. The majority of the fishing effort ranged from northeast of Oregon Inlet to Beaufort Inlet. A total of 2461 fish were measured and ranged in length from 681 to 1074 mm total length (TL) with a mean of 876 mm TL.

B. Activity and Results of Fishery-Independent Monitoring

Spiny dogfish were not sampled during the 2011 or 2012 Cooperative Winter Striped Bass Tagging Cruise due to the use of hook and line gear to capture striped bass instead of the usual trawl gear. The spiny dogfish work conducted during past cruises was in cooperation with the ASMFC, Mid-Atlantic Fishery Management Council, the

National Marine Fisheries Service-Northeast Fisheries Science Center, the North Carolina Division of Marine Fisheries and East Carolina University.

The NCDMF initiated a fisheries independent gill net survey in 2001 and expanded its coverage in 2008 to include the Cape Fear River and the near shore Atlantic Ocean from New River Inlet south to the South Carolina state line. The objective of this project is to provide annual, independent, relative-abundance indices for key estuarine species in the Pamlico Sound, near shore Atlantic Ocean, Pamlico, Pungo, Neuse, and Cape Fear rivers. These indices can also be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project will be used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. The survey employs a stratified random sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by ½ inch increments). Catches of spiny dogfish in the Pamlico Sound portion of this survey are minimal. During the 2011/2012 fishing year, a total of 103 spiny dogfish were captured. They ranged from 569 to 992 mm TL with an average of 856 mm TL. Catches of spiny dogfish in the Cape Fear River were minimal with only two fish being captured. In the near shore Atlantic Ocean sampling 703 individuals were captured. They ranged from 610 to 930 mm TL with an average total length of 768 mm. Catch data from the Cape Fear and New River independent gill net project is up to date through July 2012, individuals captured in sampling are represented for the 2011/2012 fishing year. The near shore Atlantic Ocean catches represent preliminary data from May and December, 2011 and February and March, 2012.

C. Spiny Dogfish Regulations for 2011-2012

NORTH CAROLINA FISHERIES RULES FOR COASTAL WATERS, 15A NCAC 3M .0505 - SHARK

The Fisheries Director may, by proclamation, impose any or all of the following restrictions in the shark fishery:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;
Eff. January 1, 1991;
Amended Eff. September 1, 1991.*

Under the proclamation authority cited above, the NCDMF Director issued a proclamation in 2002 that prohibited shark finning. The proclamation addressed the

specific compliance criteria as mandated in the FMP. The proclamation had no expiration date and remains in effect.

Proclamation FF-92-2010 - Commercial and recreational shark harvest-all state waters (effective January 1, 2011). This proclamation requires all sharks to have the head, tail and fins intact with the carcass at the point of landing. Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. From July through February, for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin and second dorsal fin, but must keep the dorsal fin 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. If fins are removed, the total wet weight of the shark fins may not exceed five (5) percent of the total dressed weight of smooth dogfish carcasses landed or found onboard a vessel.

Proclamation FF-93-2010 - Dealer Permit (effective January 1, 2011). This proclamation required a Spiny Dogfish Dealer Permit for the purchase of more than 100 pounds of spiny dogfish per day per commercial fishing operation (2011 fishing year).

The following is a summary of the management measures for the 2011-2012 North Carolina spiny dogfish fishery.

Commercial Fishery

In accordance with, or as authorized under Fisheries Rule 15A NCAC 3M .0503, the following management measures were implemented in the commercial fishery for spiny dogfish during the 2011-2012 fishing season:

Season: The season opened on December 14, 2011 for Browns Inlet south and for Browns Inlet North on January 1, 2012 and closed on January 15, 2012. The season for spiny dog fish officially closed on March 31, 2012.

Possession Limit: Daily harvest limits were 4,000 pounds from Browns Inlet North and 500 pounds from Browns Inlet South. The different harvest limits were intended to allow a portion of the quota to be harvested for research and educational purposes.

D. Spiny Dogfish Harvest by Commercial, Recreational and Non-Harvest Losses

The commercial harvest of spiny dogfish in North Carolina during the 2011-2012 fishing season totaled 2,726,847 pounds. These data are preliminary and subject to change. Commercial landings cannot be reported by gear type because the NCDMF confidentiality policy specifies that if the data are derived from fewer than three fishers or dealers, the data is confidential and cannot be distributed to outside sources (North Carolina General Statute 113-170.3(c)). Confidential data can only be released in a summarized format that does not allow the user to track landings or purchases to any individual (North Carolina Commercial Finfisheries Statistics, NCDMF, 2004).

A total of 1,381 spiny dogfish weighing 9,112 lb and with a mean length of 779 mm in 2011 and 777 in 2012 were observed in the 2011/2012 Marine Recreational Information Program (MRIP). The 2012 information is preliminary and with both 2011/2012 estimations the percent standard error (PSE) is extremely high.

The NCDMF does not have estimates of non-harvest losses of spiny dogfish. The 2006 Northeast Regional Stock Assessment Workshop (SAW-43) provided discard estimations based on discards recorded by the NMFS observer program and the Massachusetts Division of Marine Fisheries (MADMF) discard data. NMFS observer data included trips from North Carolina vessels. Observed trips were categorized by targeted species and gear groups. Discard ratios were estimated for each gear group. Predominant gear group types included trawls, gill nets, and hook and line.

IV. Planned Management Programs for the Current Fishing Year

A. Summary of Regulations That Will Be in Effect for the Current Fishing Year

The spiny dogfish quota for the 2010-2011 fishing year was 15 million pounds and the trip limit 3,000 pounds for both the harvest periods. The ASMFC board and the National Marine Fisheries Service established a 20 million pound quota for the 2011-2012 fishing year and divided the quota regionally with 58% allocated to the states of Maine to Connecticut, 28% allocated to the states of New York to Virginia, and the remaining 14% allocated to North Carolina. States from New York through North Carolina are authorized to establish possession limits as best meets their needs.

North Carolina Fisheries Rule 15A NCAC 3M .0505 gives the NCDMF director proclamation authority to set seasons and harvest limits for spiny dogfish. A North Carolina Spiny Dogfish Dealer Permit is required to purchase more than 100 pounds of spiny dogfish per day per fishing operation and permitted finfish dealers are required to submit daily landings reports to NCDMF. Additionally, commercial landings will be monitored through the North Carolina Trip Ticket Program.

B. Summary of Monitoring Programs That Will Be Performed

Monitoring programs will be the same as in the previous fishing year. Spiny dogfish, when encountered, will be sampled during IJFA sampling of the sink net, winter trawl, estuarine gill net fisheries and NCDMF independent gill net surveys. Spiny dogfish will continue to be sampled on the Cooperative Striped Bass Tagging Cruise if funding is acquired.

C. Changes from the Previous Year

No changes are anticipated in the North Carolina spiny dogfish management program in 2012-2013.

V. Plan Specific Requirements

Eight scientific or educational collection permits were issued in North Carolina during the 2011-2012 fishing season with sharks as a target species. Of these eight permits three spiny dogfish were captured and only one was released. The average weight of the three was 7 kg (15 lb) and they were captured in trawl gear.

South Carolina
Spiny Dogfish Fishery and Management Program
Compliance Report for the Year 2011



DNR

1 July 2012

Prepared by: Bryan Frazier
Marine Resources Research Institute
Marine Resources Division
South Carolina Department of Natural Resources

I. INTRODUCTION

Spiny dogfish, *Squalus acanthias*, is a seasonal resident in South Carolina coastal waters, occurring in low abundance primarily in winter months in nearshore shallows and around inner-shelf hard bottom habitats. The South Carolina Department of Natural Resources (SCDNR) has no specific spiny dogfish management program or targeted data collection efforts in place for these sharks at this time. No significant changes occurred in 2011 in the state's monitoring, regulatory or harvest activities related to spiny dogfish.

II. REQUEST FOR *de minimis*

South Carolina had no documented commercial and minimal recreational landings of spiny dogfish during 2011. In accordance with the ASMFC Interstate Fishery Management Program Charter and Section 4.3.3 of the ASMFC Interstate Fishery Management Plan for Spiny Dogfish (November 2002), the state of South Carolina requests *de minimis* status for the spiny dogfish fishery.

III. 2011 SPINY DOGFISH FISHERY AND MANAGEMENT PROGRAM

A. Fishery Dependent Monitoring:

Fishery dependent data is collected through the Marine Recreational Fisheries Statistics Survey (MRFSS), the South Carolina State Finfish Survey (SFS), and a SCDNR-managed mandatory trip reporting system for licensed charter boat operators. Commercial landings and effort are monitored through logbooks and trip tickets. All commercial shark landings must be sold to federally licensed commercial shark dealers.

Recreational Monitoring:

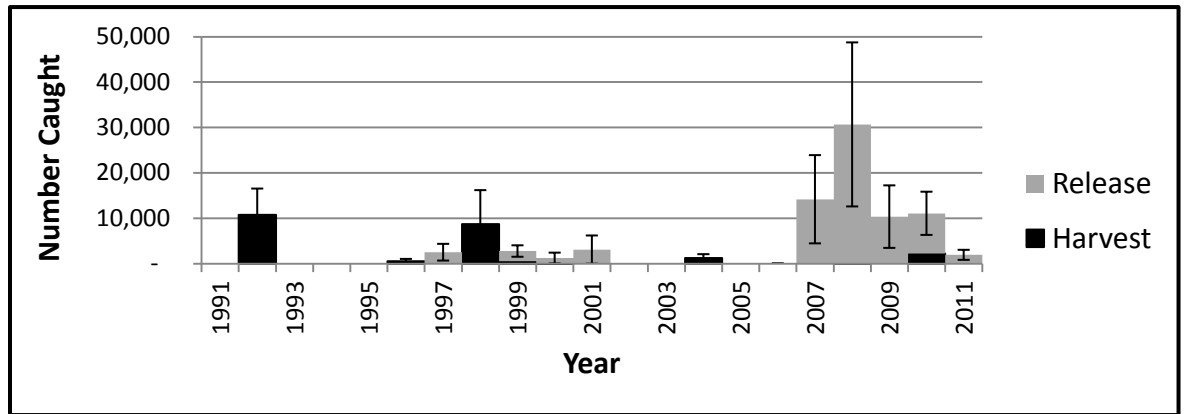
As the coastal population increases in South Carolina, angler pressure on all species of estuarine and coastal fish has increased. Anglers as well as charter captains have increasingly targeted coastal sharks for sport. The majority of these encounters remain catch and release, although a segment is retained for consumption.

MRFSS Data – Limited data are available on catches of spiny dogfish in South Carolina with no data reported for several years. Recent trends show an increase in catches of spiny dogfish, however there was no reported harvest in 2011 (Figure 1).

SFS Data – The SFS is a fishery dependent survey designed to collect catch and effort data of selected species taken by private boat anglers in either South

Figure 1. Estimated catches of spiny dogfish from the MRFSS data set. Total catch (\pm SE), capture and release, and harvest numbers are reported.

Data from: <http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>



Carolina or adjacent federal waters, other fishing modes (shore based angling) are not sampled by this survey. Historically, very few anglers have been interviewed that captured or harvested spiny dogfish (Table 1).

Table 1. South Carolina State Finfish Survey (SFS) spiny dogfish data. Total number of interviews, number of interviews with spiny dogfish reported, total catch and number harvested by interviewed parties.

Year	Total # Interviews	# Interviews With Spiny Dogfish Caught	Total Catch	Harvested
1993	2369	1	4	4
1994	548	0		
1995	552	0		
1996	1712	1	4	1
1997	1080	4	67	
1998	1669	2	18	
1999	2302	0		
2000	1968	0		
2001	1981	0		
2002	2239	1	2	2
2003	2821	0		
2004	2984	0		
2005	2297	0		
2006	2377	2	2	
2007	2285	0		
2008	2391	0		
2009	1995	2	8	
2010	1876	0		
2011	2009	0		

Charter Boat Trip Reporting – A mandatory component for participants of the charter boat fishery in South Carolina is a trip reporting system. Data collected includes, effort, species targeted, species encountered and species captured. Prior to 2010, data from smooth and spiny dogfish were reported together as dogfish. In 2010 changes were made to the reporting system that required species specific reporting. Consequently, only data from 2010 and 2011 is included in this report. A total of 1,173 spiny dogfish were captured in 2011, with 39 (280 lbs.) of them harvested. In 2010, 1,247 spiny dogfish were captured, with 31 (215 lbs.) harvested.

Commercial Monitoring:

All shark catch is required to be sold to a licensed federal dealer, and landings and effort are monitored through the use of logbooks, federal observers and trip tickets. No commercial landings were reported in 2011.

B. Fishery Independent Monitoring:

The SCDNR's on-going nearshore bottom longline survey program documents the annual presence of spiny dogfish in South Carolina's nearshore coastal waters, typically beginning in mid-November. Relative abundance and residence time of spiny dogfish along the coast in general, may be related to winter water temperatures along the east coast, with colder winters resulting in larger spiny dogfish populations and longer residence times in South Carolina waters than in more moderate temperature years. Adult females, many being pregnant, seem to make up a majority of the fish taken by sampling gear in this program, suggesting that South Carolina waters may play a role as valuable over-wintering grounds for this species. (SCDNR POC: frazierb@dnr.sc.gov)

C. Spiny Dogfish Regulations in Effect:

No state regulations are in effect in South Carolina related specifically to spiny dogfish. However, limits, closures, and requirements pertaining to shark fishing in general provided by federal regulations are considered the law of the state of South Carolina, except where specific state legislation is enacted. The following sections from Title 50 of South Carolina Code apply:

SECTION 50-5-2725. Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

(A) Except as provided in this chapter, the size, catch, bag, and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of sharks or shark parts prescribed by those federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and pertaining to the Fishery Management Plan for Atlantic tuna, swordfish, and sharks are declared to be the law of this State and apply in state waters; provided, however, no federal recreational angling permit or federal

charter boat/head boat permit is required for the taking or possession of sharks in the waters of this State. In state waters size, catch, bag, and possession limits pertain to individual fishermen when no vessel is utilized.

(B) An annual permit must be obtained from the department for a boat or vessel before it takes sharks for commercial purposes in state waters. Permits granted under this section do not include income requirements but may include requirements for fishing times, periods, areas, gear, and equipment, catch limitations and reporting, and other conditions the department may determine to be necessary for management or regulatory purposes. In addition to department conditions, the use of gill nets to harvest sharks is prohibited in state waters at all times, and when taken by gill net, all sharks must be released immediately.

SECTION 50-5-2730. Federal fishing regulations declared to be law of State.

Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

D. Spiny Dogfish Harvest

No directed commercial fishery occurs in South Carolina for this species, and no commercial landings were reported in 2011. Incidental catch does occur frequently in winter months by recreational anglers fishing at coastal fishing piers and from boats on inner-shelf hard bottom habitats. MRFSS estimated no harvest for 2011. Thirty nine (280 lbs) spiny dogfish were reported as landed by recreational fisherman fishing aboard charter vessels in 2011.

E. Habitat Recommendations – Not applicable.

IV. PLANNED SPINY DOGFISH MANAGEMENT PROGRAMS FOR 2012

A. Regulations in Effect for 2012:

No regulatory changes are anticipated for spiny dogfish in 2012.

B. Monitoring programs that will be performed:

No new programs dedicated to the monitoring of spiny dogfish are planned. Data related to the presence and movement of spiny dogfish in South Carolina's coastal waters will continue to be collected as this species is encountered within the context of existing fishery dependent or fishery independent programs conducted by the SCDNR.

C. Changes from the Previous Year:

None.

V. PLAN SPECIFIC REQUIREMENTS – Not applicable.



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

September 27, 2012

Danielle Chesky
Spiny Dogfish FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland St., Suite 200 A-N
Arlington VA, 22201

Danielle:

Please find attached the Georgia 2011 Spiny Dogfish Compliance Report. Let me know if you require additional information.

Sincerely,

Carolyn N. Belcher, PhD

Carolyn N. Belcher, PhD
Research and Surveys Program Manager

cc: Pat Geer

Georgia Spiny Dogfish Compliance Report for the Year 2011

I. Introduction

Because spiny dogfish occur infrequently in Georgia waters or in the EEZ off Georgia, recreational and commercial fishers do not target the species. Per Georgia law, spiny dogfish, Atlantic sharpnose and bonnethead are defined as the small shark composite and are managed under O.C.G.A. 27-4-130.1. This code was modified January 28th 2009 reducing the daily / possession limit from 2 per person $\geq 30''$ total length to 1 per person $\geq 30''$ fork length. All finfish must be landed whole and transfer at sea is prohibited. There has never been a documented commercial harvest of spiny dogfish in Georgia waters, including during 2011.

II. Request for *de minimus*

For 2012, Georgia respectfully requests a continuation of its *de minimus* status in this fishery. Georgia's commercial fishermen landed no spiny dogfish in 2011.

III. Previous calendar year's fishery and management program

a. Activity and results of the fishery dependent monitoring

TIP Sampling - Coastal Resources Division (CRD) personnel continue to participate in the collection of biometric and catch/effort data from offshore commercial finfish fishing trips using NMFS Trip Interview Program (TIP) collection protocol. During 2011 TIP sampling was conducted, however, no spiny dogfish were observed.

Bycatch Characterization – CRD conducts fishery-dependent bycatch characterization studies aboard large trawl whelk vessels. These studies are supported through CRD's federally funded Atlantic Coastal Fisheries Cooperative Management Act (P.L. 103 - 206) project. Participation in the whelk fishery continues to diminish. Observers were able to log one trip during this reporting period, observing 4 tows. No spiny dogfish were observed in these tows.

Marine Sportfish Carcass Recovery Project - The Marine Sportfish Carcass Recovery Project, a partnership with recreational anglers along the Georgia coast, is used to collect biological data from finfish such as red drum, spotted seatrout, southern flounder, sheepshead, and southern kingfish. Chest freezers were located at public access points along the Georgia coast. Each freezer is clearly marked and contains a supply of plastic bags, pencils, and data card. Anglers place their filleted fish carcasses in plastic bags along with completed data in the freezer. CRD personnel collect the carcasses and process them to determine species, length, and gender. Sagittal otoliths are removed and processed to determine the age of the fish. In 2011, a total of 4,349 fish carcasses were donated through this program. No spiny dogfish were included.

b. Activity and results of fishery independent monitoring

As a *de minimus* state, Georgia does not conduct an independent monitoring program targeting spiny dogfish. However, there are fishery independent surveys prosecuted in areas where spiny dogfish potentially could be encountered.

Adult Red Drum Survey

Sampling occurs in inshore and nearshore waters of southeast Georgia and in offshore waters of northeast Florida. Sampling occurs from mid-April through the end of December. Sampling gear consists of a bottom set 926 m, 600lb test monofilament mainline configured with 60, 0.5 m gangions made of 200lb test monofilament. Each gangion consists of a longline snap and either a 12/0 or 15/0 circle hook. Thirty hooks of each size are deployed during each set. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2011, CRD staff deployed 284 sets consisting of 17,028 total hooks and 142 hours of total soak time. Only one spiny dogfish was reported from this effort (789 FL, 886 TL).

Shark Nursery Survey

Sampling occurs in the inshore waters of St. Simons and St. Andrew sounds. Sampling occurs from mid-April through the end of September. Sampling gear consists of a 305 m braided rope mainline configured with 50, 1 m gangions made of 200lb test monofilament. Each gangion is configured with a longline snap and a 12/0 circle hook. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2011, CRD staff fished 120 longline stations consisting of 6,000 hooks and a total of 60 hours of soak time. No spiny dogfish were captured.

Ecological Monitoring Survey

Each month, a 40-foot flat otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 42 stations across six estuaries. At each station, a standard 15 minute tow is made. During this report period, 504 tows/observations were conducted, totaling 127.00 hours of tow time. Two spiny dogfish were captured in two separate trawls during February. Lengths for these fish were 790mmTL and 830mmTL.

Juvenile Trawl Survey

Although personnel have historically used the EMTS as the primary trawl survey, a second trawl survey has been implemented to target species occurring further upriver in lower salinity waters. Each month, a 20-foot semi-balloon otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 18 stations across three estuaries. At each station, a standard 5 minute tow is made. Given the upriver locations of the sampling stations, it is highly unlikely that spiny dogfish will be encountered.

Marine Sportfish Population Health Survey

The MSPHS is a multi-faceted ongoing survey used to collect information on the biology and population dynamics of recreationally important finfish. Currently two Georgia estuaries are sampled on a seasonal basis using entanglement gear.

During the June to August period, young-of-the-year red drum in the Altamaha/Hampton River and Wassaw estuaries are collected using gillnets to gather data on relative abundance and location of occurrence. In 2011, a total of 216 sets of this gear produced no bycatch of spiny dogfish.

Trammel and Gill Nets: During the September to November period, fish populations in the Altamaha/Hampton River and Wassaw estuaries are monitored using monofilament trammel nets to gather data on relative abundance and size composition. No spiny dogfish were captured during 150 net sets in 2011.

c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP

All sections of the Official Code of Georgia and Rules and Regulations of the Georgia Department of Natural Resources referenced herein have been previously submitted. The only changes to the previously submitted Rules and Regulations impacting spiny dogfish were the reduction of the daily / possession limit from 2 per person $\geq 30''$ TL to 1 per person $\geq 30''$ FL. This change to O.C.G.A. 27-4-130.1 went into effect January 28th 2009.

d. Harvest broken down by commercial and recreational, and non-harvest losses

Commercial Landings – There were no reported commercial landings of spiny dogfish during 2011.

Recreational Landings - Expanded data from the NMFS marine recreational surveys estimate no spiny dogfish were kept in Georgia during 2011; however, an estimated 777 spiny dogfish were released (PSE = 101.8).

e. Review of progress in implementing habitat recommendations

N/A

IV. Planned management programs for the current calendar year

a. Summarize regulations that will be in effect

All current regulations regarding spiny dogfish remain in effect through 2012. Rule 391-2-4.04 restricts fishermen lacking a federal commercial permit to a one fish daily bag/possession limit. All harvest and possession must adhere to a 30-inch FL minimum size. The fishing season is open year round but fishermen with a federal permit are limited to the bag limits when the federal season is closed or when the federal quota has been met. All spiny dogfish must be landed whole, and transfer at sea is prohibited.

b. Summarize monitoring programs that will be performed

Pursuant to Georgia law (O.C.G.A. Section 27-4-118 and Board of Natural Resources Rule 391-2-4-.09) all commercial harvesters landing seafood in Georgia are required to record their harvest and submit these records to the Department of Natural Resources. Historically, Georgia's commercial seafood landings have been collected as part of the NMFS Cooperative Statistics Program. As Georgia's participation in ACCSP continues, catch/effort and economic information have been added to the harvest data collected for every commercial fishing trip terminating in Georgia. These data are collected monthly and afford Georgia's marine fishery managers the opportunity to conduct real time monitoring of the status and trends in our commercial fisheries.

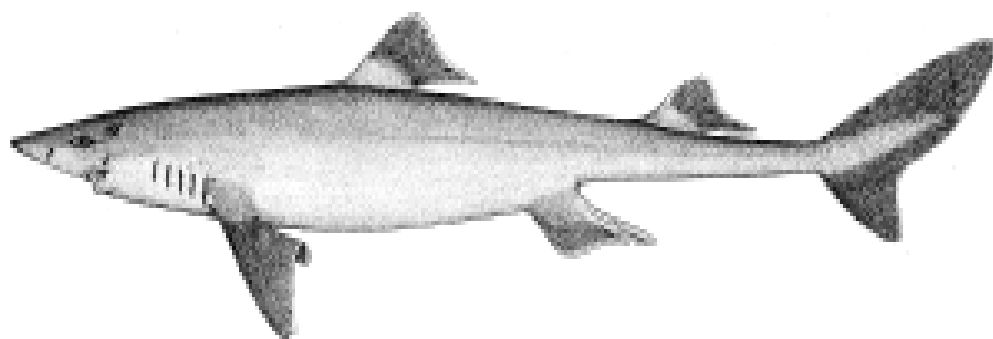
Monitoring of the commercial fishery for both bycatch characterization and landings will continue. O.C.G.A 27-4-110 requires that anyone wishing to engage in commercial fishing in the salt waters of Georgia must obtain a commercial fishing license. Further O.C.G.A. 27-4-118 requires that each commercial fisherman maintain a record and report their landings to and in a manner specified by the Department of Natural Resources. Those reporting requirements are detailed in Board Rule 391-2-4-.09. Additionally, any Georgia seafood dealer must be licensed by the Department of Agriculture (O.C.G.A. 26-2-312) and maintain records and report to the Department of Natural Resources per O.C.G.A 27-4-136 and Board Rule 391-2-4-.09.

The Ecological Monitoring Survey, Juvenile Trawl Survey, Adult Red Drum Survey, Shark Nursery Survey, Marine Sportfish Carcass Recovery Project, and Marine Sportfish Population Health Survey will continue in 2012. Any spiny dogfish captured will be measured for length.

c. Highlight any changes from the previous year

N/A

The 2012 Atlantic States Marine Fisheries Commission Compliance Report for spiny dogfish, *Squalus acanthias*, on Florida's Atlantic coast



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May 25, 2012

I. INTRODUCTION

Spiny dogfish, *Squalus acanthias*, are found in all temperate and subtropical oceans and seas (Froese and Pauly 2000). In the northwest Atlantic, they range from Labrador to Florida where they are considered to be a unit stock (Sosebee and Rago 2006). On the US Atlantic coast, recreational and commercial catches of spiny dogfish are important for Mid-Atlantic and North Atlantic states.

The Florida Fish and Wildlife Conservation Commission (FWC) regulates the fishing of sharks and rays under Chapter 68B-44.008, Florida Administrative Code (F.A.C.). These regulations prohibit harvest, possession, purchase, sale, or exchange of spiny dogfish, which have been declared and designated "a protected species" to prevent them from becoming endangered. The objective of this report is to update the Atlantic States Marine Fisheries Commission (ASMFC) on the response of the recreational and commercial fisheries in 2011-2012 to the aforementioned regulations.

Commercial and recreational fisheries operating on Florida's Atlantic coast do not target spiny dogfish. As a result, there were neither landings nor catches of spiny dogfish on Florida's east coast during the 2011-2012 fishing season. All fishermen who operated on Florida's Atlantic coast during the 2011-2012 fishing season were in compliance with the regulations stipulated in CH 68B - 44.008, F.A.C, about spiny dogfish. Historical records on the recreational fishery for the species are given in Table 1.

II. REQUEST FOR *de Minimis*

The FWC requests continuation of Florida's *de minimis* status for the spiny dogfish fishery.

III. PREVIOUS CALENDER YEAR'S FISHERY AND MANAGEMENT PROGRAM

A. Activity and Results of Fishery Dependent Monitoring Program

Commercial Fishery

Description of 2011-2012 Fishery, Trip Limit, Quota Compliance and Size Limits

N/A

Recreational Fishery

Description of 2011-2012 Fishery

The recreational fishery data for spiny dogfish on the Atlantic coast of Florida (Table 1) came from the website of the National Marine Fisheries Service (<http://www.st.nmfs.gov/st1/recreational/queries/index.html>). Landings/catches were only made in 1989, 2005, and 2006. All spiny dogfish caught in 1989 and 2006 were released alive. In 2005, the number of released dogfish represented 99.3% of the total number of dogfish caught (Table 1). No landings and catches were reported since 2007. All anglers operating on Florida's Atlantic coast during the 2011-2012 fishing season complied with the regulations stipulated in CH 68B - 44.008, F.A.C, about spiny dogfish.

Size Limits and Bag Limits

N/A

Head boat Fishery

The most recent data from the head boat fishery was 2011. These data could not be updated for 2012 because they were not available. During 1981-2011, head boat landings of spiny dogfish on Florida's Atlantic coast were reported in 2005, 2010, and 2011 and consisted of 16, 8, and one specimen, respectively, weighing 50 pounds, 48 pounds, and 1 pound.

Size limits and Bag limits

N/A

B. Activity and Results of Fishery Independent Monitoring Program

The Florida Fish and Wildlife Research Institute's Fishery Independent Monitoring program does not collect spiny dogfish on the Atlantic coast.

C. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP

CHAPTER 68B - 44 SHARKS AND RAYS (source: <http://www.myfwc.com/fishing/saltwater/regulations/rules-by-species/>; <http://www.myfwc.com/fishing/saltwater/regulations/history/q-z/>).

- 68B-44.002 Definitions
- 68B-44.003 Bag Limit Applicable to State Waters, Gear Restriction
- 68B-44.004 Landing in Whole Condition; Transit Through State Waters
- 68B-44.005 Commercial Harvest of Sharks: Federal Permit Required
- 68B-44.006 Commercial Season; Season Closure; Prohibition of Sale
- 68B-44.007 Size Limit Applicable to State Waters
- 68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale

68B-44.002 Definitions.

As used in this rule chapter:

(1) "Finned" means one or more fins are no longer naturally attached to the body of the shark. A shark with fins naturally attached, either wholly or partially, is not considered finned.

(2) "Fork Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(3) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(4) "Harvest for commercial purposes" means the taking or harvesting of a marine organism for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange.

(5) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(6) "Ray" means any species of the Order Rajiformes, or any part thereof.

(7) "Shark" means any of the following species or any part thereof:

(a) Large coastal species:

1. Blacktip shark - *Carcharhinus limbatus*.
2. Bull shark - *Carcharhinus leucas*.
3. Nurse shark - *Ginglymostoma cirratum*.
4. Spinner shark - *Carcharhinus brevipinna*.

(b) Small coastal species:

1. Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
2. Blacknose shark - *Carcharhinus acronotus*.
3. Bonnethead - *Sphyrna tiburo*.
4. Finetooth shark - *Carcharhinus isodon*.

(c) Pelagic species:

1. Blue shark - *Prionace glauca*.
2. Oceanic whitetip shark - *Carcharhinus longimanus*.
3. Porbeagle shark - *Lamna nasus*.
4. Shortfin mako - *Isurus oxyrinchus*.

5. Thresher shark - *Alopias vulpinus*.

(d) Smooth Dogfish - any species of the Genus *Mustelus*.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.002, Amended 1-19-10, 3-21-10, 1-1-12.

68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction.

(1) No person shall harvest in or from the waters of the state more than one shark per day; provided, however, that the possession of more than two sharks harvested from state waters aboard any vessel with two or more persons is prohibited.

(2) The harvest or attempted harvest of any shark in or from state waters is prohibited except by use of hook and line gear.

(3) The harvest of any shark, within the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited.

(4) Snagging (snatch hooking) of shark in or from state waters is prohibited.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.003, Amended 1-19-10.

68B-44.004 Landing in Whole Condition; Transit Through State Waters.

(1) All sharks harvested from State of Florida waters shall be landed in a whole condition. Except as provided for in subsection (2), the possession, while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed is prohibited. Mere evisceration or "gutting" of such fish or slicing the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing is not prohibited.

(2) The landing requirements contained in this section, possession and bag limit restrictions contained in Rule 68B-44.003, F.A.C., and the prohibited species contained in Rule 68B-44.008, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers,

or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended 10-15-07, 1-19-10.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

(1) No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 635.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32.

(2) A harvester required to hold the federal annual vessel permit for sharks pursuant to subsection (1) may only sell to a holder of a valid federal Atlantic shark dealer permit pursuant to 50 C.F.R. § 635.4.

(3) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase sharks, or any part thereof, unless such dealer is in possession of a valid federal Atlantic shark dealer permit. No wholesale dealer shall purchase sharks, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license and the federal licenses and permits specified in subsection (1). This subsection applies only when a shark, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended 10-15-07, 1-19-10.

68B-44.006 Commercial Season; Season Closure; Prohibition of Sale.

(1) All persons harvesting sharks for commercial purposes shall have a season that begins on January of each year and continues through December 31, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time the harvest of any species of large or small coastal sharks, or pelagic sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, corresponding state waters shall be closed to commercial harvest of the species affected by the federal closure, from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(b) If at any time the harvest of any species of large or small coastal sharks, pelagic sharks, or smooth dogfish are closed in state waters of the Atlantic Ocean for commercial purposes by the Atlantic States Marine Fisheries Commission, Florida State waters of the Atlantic Ocean from the Florida-Georgia border to the border between Miami-Dade and Monroe Counties shall be closed from the date of such closure until the Atlantic States Marine Fisheries Commission reopens the fishery to the commercial harvest. For purposes of this section the border between Miami-Dade and Monroe Counties is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

(c) During the period of any state waters closure pursuant to paragraph (a) or (b), the harvest, possession, or landing for commercial purposes, or the sale, purchase, or exchange, of any species to which the closure applies, is prohibited. These prohibitions shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure. The burden shall be upon any person possessing such shark carcasses or fins to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading. Failure to maintain such documentation or failure to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.006, Amended 7-1-03, 1-19-10.

68B-44.007 Size Limit Applicable to State Waters.

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any shark of fork length less than 54 inches, with the exception of:

- (1) Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
- (2) Blacknose shark - *Carcharhinus acronotus*.
- (3) Blacktip shark - *Carcharhinus limbatus*.
- (4) Bonnethead - *Sphyrna tiburo*.
- (5) Finetooth shark - *Carcharhinus isodon*.
- (6) Smooth Dogfish - any species of the Genus *Mustelus*.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 1-19-10.

68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale.

(1) No person shall harvest, possess, land, purchase, sell, or exchange any or any part of these species:

- (a) Atlantic angel shark (*Squatina dumeril*).
- (b) Basking shark (*Cetorhinus maximus*).

- (c) Bigeye sand tiger (*Odontaspis noronhai*).
- (d) Bigeye sixgill shark (*Hexanchus nakamurai*).
- (e) Bigeye thresher (*Alopias superciliosus*).
- (f) Bignose shark (*Carcharhinus altimus*).
- (g) Caribbean reef shark (*Carcharhinus perezii*).
- (h) Caribbean sharpnose shark (*Rhizoprionodon porosus*).
- (i) Dusky shark (*Carcharhinus obscurus*).
- (j) Galapagos shark (*Carcharhinus galapagensis*).
- (k) Great hammerhead - *Sphyrna mokarran*.
- (l) Lemon shark - (*Negaprion brevirostris*).
- (m) Longfin mako (*Isurus paucus*).
- (n) Narrowtooth shark (*Carcharhinus brachyurus*).
- (o) Night shark (*Carcharhinus signatus*).
- (p) Sandbar shark (*Carcharhinus plumbeus*).
- (q) Sand tiger (*Carcharias taurus*).
- (r) Scalloped hammerhead - (*Sphyrna lewini*)
- (s) Sevengill shark (*Heptranchias perlo*).
- (t) Silky shark (*Carcharhinus falciformis*).
- (u) Sixgill shark (*Hexanchus griseus*).
- (v) Smalltail shark (*Carcharhinus porosus*).
- (w) Smooth hammerhead - (*Sphyrna zygaena*).
- (x) Tiger shark - (*Galeocerdo cuvier*).
- (y) Whale shark (*Rhincodon typus*).
- (z) White shark (*Carcharodon carcharias*).
- (aa) Largetooth sawfish (*Pristis pristis*).
- (bb) Smalltooth sawfish (*Pristis pectinata*).
- (cc) Spiny dogfish (*Squalus acanthias*).
- (dd) Manta ray (species of the genus *Manta* and *Mobula*).
- (ee) Spotted eagle ray (*Aetobatus narinari*).

(2) The prohibitions on harvest shall not apply to lawful harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed

containers or compartments so as to make their immediate use as fishing implements impracticable.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03, 3-9-06, 1-19-10, 3-21-10, 1-1-12.

D. Harvest broken down by commercial and recreational and non-harvest losses

N/A for commercial harvest. See Table 1 for recreational landings/catches in numbers and weight.

E. Review of Progress in Implementing Habitat Recommendations

N/A

IV. PLANNED MANAGEMENT PROGRAMS FOR THE CURRENT YEAR

No changes to the current management program are planned for the current year.

V. LITTERATURE CITED

Froese, R., Pauly, D., 2000. FishBase 2000: Concepts, Design and Data Sources. ICLARM, Los Banos, Laguna, Philippines. 344 p (see also FishBase database: <http://www.fishbase.org>).

Sosebee, K. and P. Rago 2006. Status of Fisheries Resources off Northeastern US - Spiny Dogfish (<http://www.nefsc.noaa.gov/sos/spsyn/op/dogfish>).

Table1 - Estimated recreational catches, releases, total harvest, and landings in number and weight (pounds) for spiny dogfish on Florida's Atlantic Coast, 1989-2011. Type A = Claimed fish. Type B1 = Harvested fish (not seen), and Type B2 = fish released alive.

Year	Type A (Numbers)	Type B1 (Numbers)	Type B2 (Numbers)	Type A+B1 (Numbers)	Type A+B1 (Pounds)	Type A+B1+B2 (Numbers)
1989	0	0	2,177	0	0	2,177
2005	389	0	63,122	389	2,441	63,511
2006	0	0	532	0	0	532
2007	0	0	0	0	0	0
2008	0	0	0	0	0	0
2009	0	0	0	0	0	0
2010	0	0	0	0	0	0
2011	0	0	0	0	0	0