



PAUL R. LEPAGE
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

July 23, 2013

Marin Hawk

Chair, Coastal Sharks Plan Review Team
Atlantic States Marine Fisheries Commission
200 North Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Marin,

The State of Maine requests *de minimis* status for the requirements in Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks (FMP).

The FMP does not outline specific *de minimis* criteria and established a case-by-case review process to consider whether implementation and enforcement of a regulation is necessary for "attainment of the fishery management plan's objectives and conservation of the resource". Implementation and enforcement of Addendum II is unnecessary for attainment of the FMP's objectives and conservation of the resource because smooth dogfish (*Mustelus canis*) are extremely rare in Maine waters and there is no directed fishery.

In the last decade, there were only two reported smooth dogfish landings in Maine and these are likely inaccurately reported spiny dogfish. A query of the SAFIS dealer report database for Maine from 2002-2012 found two reported smooth dogfish landings by one individual. These landings do not appear in the Vessel Trip Report database. These landings are most likely inaccurately reported spiny dogfish based on the fact that they are the only reported smooth dogfish landings in Maine for the last 10 years, could not be validated by the VTR database, comply with the spiny dogfish commercial possession limit, and occurred when spiny dogfish are available and the season was open.

Addendum II allocates 0.021% of the coastwide smooth dogfish quota to Maine, which would calculate to 46,117 pounds based on the most recent year's coastwide smooth dogfish landings (as provided in Addendum II). Implementing new regulations to monitor and enforce this tiny quota for a species our fishermen have not landed in a decade would be onerous and cost prohibitive.

Maine is confident that smooth dogfish landings will not increase unexpectedly because there is no directed fishery for them and smooth dogfish processing facilities do not exist in Maine. In the event that the species range shifts north making smooth dogfish available to our fishermen, development of a fishery and processing infrastructure would not happen quickly or without the Department's knowledge.

OFFICES AT 2 BEECH ST., BAKER BUILDING, HALLOWELL, MAINE
<http://www.mainedmr.gov>

PHONE: (207) 624-6550

FAX: (207) 624-6024

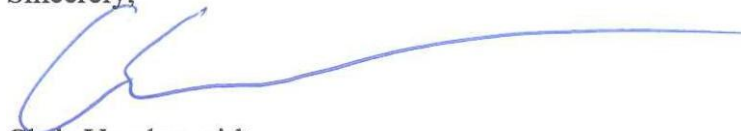
If the Spiny Dogfish & Coastal Sharks Management Board approves Maine's Addendum II *de minimis* proposal, Maine will continue to monitor smooth dogfish landings and provide information to the Board via annual compliance reports. If smooth dogfish landings increase, the Department will work with the Plan Review Team, Technical Committee, and Board to implement measures to ensure the FMP's goals and objectives and conservation of the resource are met.

Maine's Board-approved coastal sharks regulations are listed below for your reference.

- 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.
- 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.

Please feel free to contact me with any questions or concerns.

Sincerely,



Chris Vonderweidt
Policy Development Specialist



Paul J. Diodati
Director

Commonwealth of Massachusetts

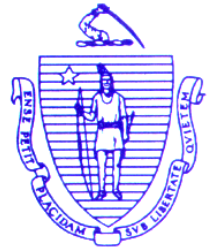
Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor

Richard K. Sullivan, Jr.

Secretary

Mary B. Griffin

Commissioner

June 27, 2013

Marin Hawk, Coastal Sharks FMP Coordinator
Atlantic States Marine Fisheries Commission
1050 N. Highland Street, Suite 200 A-N
Arlington, VA 22201

Dear Marin,

Please accept this letter as the Commonwealth of Massachusetts' plan to implement Addendum II to the Atlantic Coastal Sharks Fishery Management Plan, affecting the management of smooth dogfish (*Mustelus canis*).

Addendum II allocates 0.433% of the coastwide smooth dogfish quota (undetermined as of yet) to Massachusetts and amends the maximum fin-to-carcass possession limit. Massachusetts regulations already conform to the new compliance criteria and the Division of Marine Fisheries will not be promulgating additional rules for smooth dogfish.

Smooth dogfish is commercially taken in limited quantities as bycatch while recreational harvest is practically non-existent in Massachusetts. State regulations (322 CMR 6.37) classify smooth dogfish as a Permitted Shark Species and prohibit commercial fishermen from taking any Permitted Shark Species after the Director has announced a commercial fishery closure. Weekly dealer reporting will enable timely monitoring of commercial smooth dogfish landings and closure of the fishery should the Commonwealth's allocation be met. The Division will adjust the Commonwealth's annual quota to account for any overages or transfers.

The Commonwealth also prohibits all fishermen from removing fins or tails from smooth dogfish as well as possessing or landing smooth dogfish whose fins or tails are not attached.

322 CMR 6.37 is attached for your reference.

Regards,

A handwritten signature in black ink that reads "Paul J. Diodati".

Paul Diodati, Director

6.37 Coastal Shark Conservation and Management

(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.

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.

(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 (*Heptranchias 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:

- more than 100 pounds of smooth dogfish per trip or per day, whichever is the longer period of time; or
- 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 federal waters may fish for, possess on board, or land those species in Massachusetts provided said fish were taken lawfully from federal waters.

(f) Dealer Measures. All dealers purchasing Atlantic Coastal Shark species from commercial fishermen must obtain a federal Commercial Shark Dealer Permit from the National Marine Fisheries Service.



Rhode Island
Department of Environmental Management

DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Rd
Jamestown, RI 02835

401 423-1920
FAX 401 423-1925

MEMORANDUM

To: Marin Hawk
Atlantic States Marine Fisheries Commission

From: Eric Schneider
RI Division of Fish and Wildlife

Date: Revised July 19, 2013

SUBJECT: Implementation Plan for Compliance with Addendum II to the Coastal Sharks Fishery Management Plan (FMP)

Below is Rhode Island's plan for the implementation of the requirements for Atlantic States Marine Fisheries Commission (ASMFC) Addendum II to the Interstate Coastal Sharks Fishery Management Plan (FMP).

The Division of Fish and Wildlife (hereafter referred to as the "Division") has the authority to draft and implement regulations for consistency with ASMFC FMPs pursuant to Title 20, Chapters 42-17.1, 42-17.6, and 42-17.7, and in accordance with Chapter 42-35, Administrative Procedures Act of the Rhode Island General Laws of 1956, as amended. In short, the processes that will be followed for implementation of the requirements for Addendum II to the Coastal Sharks FMP are as follows. A brief summary of this process and the associated timeline is contained in Table 1.

- A. Guidance from RI Marine Fisheries Council regarding input from an Advisory Panel
- At the next RI Marine Fisheries Council (RIMFC) meeting in September of 2013, the Division will ask the RIMFC to advise whether a RIMFC Advisory Panel (AP) review is warranted for the proposed changes for compliance with Addendum II to the Coastal Sharks FMP.
 - o If an AP review is deemed unnecessary then the Division will draft annotated regulations for public notice prior to the November 2013 Public Hearing where this item will be discussed.
 - o If an AP review is deemed appropriate the RIMFC will advise as to appropriate AP for review and then approve a Draft Agenda for said meeting.

- Any proposals from the AP will be included as regulatory options in the November 2013 Public Hearing.

B. Public Hearing

- The Division will put revised regulations, including any proposed changes made via the AP meeting, out to public notice.
- A Listserve announcement will be made, and the draft regulations will be posted on DEM's website during October 2013.
- In November of 2013 the Division will conduct a public hearing on the proposed changes.

C. RIMFC and Division recommendations, Director decision, and regulatory filing

- Soon after the hearing, the RIMFC will meet to consider the proposed changes and make recommendations on them to the DEM Director. After considering all public comments and the recommendations of the Council, the Director will then promulgate the final revisions and file them with the RI Secretary of State's Office.
- The regulations for compliance with Addendum II to the Coastal Sharks FMP will be filed and effective by January 1, 2014.

Specifically, proposed regulatory changes will address the following requirements for compliance with Addendum II to the Coastal Sharks FMP as noted in the ASMFC memo titled "State Proposals for Addendum II due July 15, 2013", dated June 28, 2013.

1. Establish a state quota and monitoring system for smoothhound shark commercial landings.

- RI's regulations will allow for the adjustment of the annual TAC or RI State quota once NOAA Fisheries has established a quota for a given fishing season.
- RI's regulations will be flexible enough to allow for transfers of quota and for the repayment of quota were an overage to occur.
- RI currently uses and will continue to use SAFIS to report all commercial landings in the state including smooth dogfish landings.
 - All dealers, state and federal are required to report trip level data for all fishermen landing any marine product twice a week.
- The Division has and will have regulatory authority to close the fishery when the RI state quota has been reached
 - RI publishes notice of all regulatory closures through our secretary of states office and through our marine fisheries listserv, which the ASMFC is on.
 - The closures will also be incorporated in to the annual compliance report, as is done with the current management plan in RI state waters.

2. Establish a mechanism to set a state possession limit for smoothhound sharks which, once approved by the Board, requires Coastal Sharks Technical Committee (TC) review and Board approval to change.

- Once a quota has been established for smooth dogfish the Division will submit a memo regarding the proposed RI possession limit(s) to the ASMFC Coastal Shark TC for review and approval by the TC and Board.
- After board approval RI can use the process described above to enact a possession limit or it's regulatory authority to change the daily possession limit once the fishery has opened.

3. Monitor and enforce a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88.

- The Division will work with the Department's Enforcement Division to ensure that the fish-to-carcass ratio is enforced, along with all other coastal shark related regulations.
 - o It should be noted that the Division seeks Enforcement review of proposed regulations prior to review by the RIMFC to ensure that all regulations are enforceable.

Table 1. Summary of items and associated timeline for implementation of the requirements for Addendum II to the Coastal Sharks FMP.

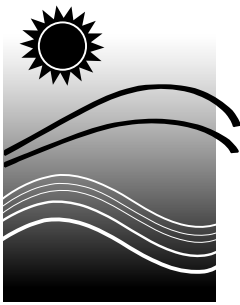
| Item | Process | Memo Item No. | Timeline |
|---|--|---------------|-----------------------|
| Determine if Advisory Panel (AP) meeting is necessary | RI Marine Fisheries Council (RIMFC) | A | Sept 2013 |
| Seek input from AP, if necessary | RIMFC AP | A | Sept/Oct 2013 |
| Seek Public Input and Comment | RI DEM Fish & Wildlife (RI F&W) Public Hearing | B | Nov 2013 |
| Recommendations from RIMFC and RI F&W to DEM Director | RIMFC meeting and RI F&W | C | Dec 2013 |
| DEM Director will promulgate and file regulations | DEM Director / Regulatory filing | C | Filed Dec 2013 |
| Implementation of Regulations | DEM Director / Regulatory filing | C | Effective Jan 1, 2014 |

Connecticut Addendum II Proposal

We have an agreement with fishermen in place that smooth dogfish be landed with the first dorsal fin naturally attached and a 5% fin: carcass ratio for remaining fins compared to 12% allowed under Addendum II. We do not have Declaration authority to require they be attached and have heard no interest in landing fins separately. Fishermen understand that if we see violations of the agreement that we will close the fishery.

We have not made any changes to adopt quota management at this point. We would typically adopt quota rules by Commissioner Declaration which lasts just 120 days, and then renew the rules through subsequent Declaration adjusted for the fishery in the next 120 day period. Since we (ASMFC) have only adopted a percentage share with no quota to apply it to Connecticut feels it makes more sense to wait until a quota is actually set to create the rule to manage it. We still have the ability to respond almost immediately (about 2 weeks) to close the fishery if the need somehow suddenly arose.

Our proposal at this point consists simply of the attached agreement that fins remain attached to the carcass and not more than 5% fin wt to carcass wt be landed. Our harvest monitoring consists of monthly fisherman logbooks and dealer reports. Without knowing how big the quota is relative to our current landings we do not see a need for more intensive monitoring (Ex. weekly as for many QMS) of this fishery at present.



Notice to Commercial Smooth Dogfish Fishermen

FISHERY REOPENING

SMOOTH DOGFISH COMMERCIAL FISHERY

Effective 0001 hours, Thursday October 4, 2012 the commercial fishery for smooth dogfish is reopened under the conditions outlined below. There is no possession limit.

Commercial Fishermen and Seafood Dealers may possess smooth dogfish in this state provided the first dorsal fin (the fin on the top side of the fish closest to the head) remains attached to the carcass. This fin may be cut as long as at least a flap of skin remains keeping the fin naturally attached to the carcass. The remaining fins may be removed, the fish may also be headed and gutted, but the fish must not be filleted or cut into pieces. The total weight of all fins retained by a fisherman or dealer must not exceed 5% of the total dressed weight of the smooth dogfish carcasses landed or found on board the vessel.

The conditions for reopening the fishery listed above are not agency regulations at this time, but represent an understanding between this agency, commercial fishermen and seafood dealers. Environmental Conservation Police and Marine Fisheries staff will monitor this fishery for compliance. Fishermen and dealers participating in this fishery understand that the fishery remaining open is contingent upon full cooperation with these conditions.

Background: Smooth dogfish are a plentiful resource. The conditions set forth are essential elements of the Atlantic States Marine Fisheries Commission Coastal Sharks Fishery Management Plan and are intended to aid conservation of the similar looking sandbar shark which is in greater conservation need. The take of sandbar sharks is prohibited under federal law. Sandbar sharks and smooth dogfish can be difficult to distinguish unless the dorsal fin is present. Sandbars are rare in our waters. There is no record of a sandbar being taken commercially and landed in this state.

Public Hearings have recently been scheduled to consider formal regulations on smooth dogfish harvest, together with a variety of other commercial and recreational marine fisheries management measures. Hearing dates and locations will be announced in a subsequent notice.

For further information, contact the DEEP Marine Fisheries Division by email at deep.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 Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to requirements of the Americans with Disabilities Act. Any person with a disability who may need information in an alternative format may contact the agency's ADA Coordinator at 860-424-3194, or at deep.hrmed@ct.gov. Any person with limited proficiency in English, who may need information in another language, may contact the agency's Title VI Coordinator at (860) 424-3035, or at deep.aoffice@ct.gov. Any

person with a hearing impairment may call the State of Connecticut relay number - 711. Discrimination complaints may be filed with DEEP's Title VI Coordinator. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

New York State Department of Environmental Conservation

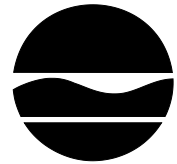
Division of Fish, Wildlife & Marine Resources

Bureau of Marine Resources

205 North Belle Mead Road, Suite 1, East Setauket, New York 11733

Phone: (631) 444-0430 • Fax: (631) 444-0434

Website: www.dec.ny.gov



Joe Martens
Commissioner

MEMORANDUM

To: Marin Hawk, ASMFC Coastal Sharks Plan Coordinator
From: Steve Heins
Date: July 18, 2013

SUBJECT: ADDENDUM II IMPLEMENTATION PLAN

In order to comply with Addendum II to the ASMFC fishery management plan for Coastal Sharks, states are required to demonstrate that they have in place or will adopt regulations by January 1, 2014 which include the following elements:

- 1) Establish a state quota and monitoring system for smoothhound shark commercial landings;
- 2) Establish a mechanism to set a state possession limit for smoothhound sharks; and
- 3) Monitor and enforce a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88.

Element 1. Existing New York regulations allow the state to actively manage quotas established as part of a fishery management plan. New York can open and close a fishery, establish trip limits and monitor landings. The department, therefore, need not take any action in order to comply with this element. Part 47 of 6 NYCRR covers shark fishing in New York. Those regulations state in part:

(12) Quotas, trip limits and directed fishery thresholds may be set by the Atlantic States Marine Fisheries Commission Spiny Dogfish & Coast Sharks Management Board (Sharks Board) for the smooth dogfish, small coastal, non-sandbar large coastal and pelagic species groups for each commercial fishing year. The department will establish trip limits and directed fishery thresholds within the fishing year consistent with those established by the Sharks Board. Such trip limits and thresholds will be enforceable upon 72 hours notice to license holders of the vessel trip limit allowed.

(13) If the department determines that the maximum allowable harvest of sharks covered by (12) has been taken or is projected to be taken before the end of the fishing year, the department may prohibit the take and possession of a shark species for commercial purposes upon 72 hours notice to license holders.

(14) If the department closes a fishery, but determines that the quota will not be harvested by the projected date, then the department may reopen the fishery for a specified time at a specified trip limit up to the maximum allowed upon 72 hours notice to license holders.

(15) No person shall take, possess or land sharks listed in (4) for commercial purposes when the federal commercial fishery for that species is closed.

Element 2. Existing NY State Environmental Conservation Law provides the department with the authority to establish possession limits for sharks. The department, therefore, need not take any action in order to comply with this element. Section 13-0338 reads, in part:

4. The department may, until December thirty-first, two thousand thirteen, fix by regulation measures for the management of sharks, including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, recordkeeping requirements, requirements on the amount and type of fishing effort and gear, and requirements relating to transportation, possession and sale, provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fisheries Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. §1800 et seq.).

Element 3. There are currently several proposed bills which, if signed into law, would change ECL Section 13-0338 to prohibit the possession and sale of shark fins in New York. Some versions of the bill exempt smooth dogfish from the prohibitions while others do not. The department is limited by 13-0338 and prevented from adopting regulations that are less restrictive than the law (see excerpt in previous paragraph). Existing regulations would be consistent with the most restrictive of the bills, while those that exempt smooth dogfish would allow the department to adopt the fins-to-carcass ratio called for in Addendum II (12-88).

At this time, the department will hold off on any changes to the regulations pending legislative resolution of the shark fin ban issue. Existing regulations are more conservative than Addendum II and therefore compliant with the plan. Part 47 of 6 NYCRR states in part:

(11) No person shall possess or land a shark listed in this section without the tails 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. Finning is prohibited. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF FISH AND WILDLIFE

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

MEMORANDUM

July 15, 2013

TO: Marin Hawk, Atlantic Coastal Sharks and Smooth Dogfish FMP Coordinator
FROM: Peter J. Himchak, Supervising Biologist, Marine Fisheries Administration
SUBJECT: New Jersey's Addendum II Implementation Plan

Attached, please find a copy of a Notice of Administrative Change, effective June 28, 2013, that modifies the season for processing smooth dogfish at sea and modifies the smooth dogfish trip limit.

New Jersey regulations specific to smooth dogfish now allow for the complete processing of smooth dogfish year round and also require that the total weight of smooth dogfish fins landed or found on board a vessel must not exceed 12 percent of the total weight of smooth dogfish carcasses landed or found on board to be consistent with the Federal Shark and Fishery Conservation Act, Public Law 111-348-January 4, 2011. The reference above to modifying the trip limit does not refer to the pounds of smooth dogfish allowed per trip but rather focuses on the change from a 5% fins to carcass ratio per trip to the newly implemented 12% fins to carcass ratio per trip.

Regulations at N.J.A.C. 7:25-18.12(d)7 remain unchanged. Specifically, they state, "The smooth dogfish annual quota is unlimited and the smooth dogfish trip limit is unlimited. The Marine Fisheries Administration (MFA) had requested amending the language to read, "The smooth dogfish annual quota shall be determined by the Atlantic States Marine Fisheries Commission and the trip limit shall be determined by the Atlantic States Marine Fisheries Commission", explaining in the text of the Notice of Administrative Change that Addendum II allocates 18.828% of the Atlantic coastwide smooth dogfish commercial quota to New Jersey when a coastwide smooth dogfish commercial quota is implemented in the future. The MFA further detailed how the Highly Migratory Species Program of the National Marine Fisheries Service which has management authority over the smooth dogfish resource is likely to establish a coastwide smooth dogfish commercial fishery quota following the on-going stock assessment for smooth dogfish. **The Department of Environmental Protection attorneys would not allow the amended language at N.J.A.C. 7:18.12(d)7** The attorneys for the Department of Environmental Protection and the Division of Law both maintained that the statement, "**shall be determined by the Atlantic States Marine Fisheries Commission**", when referring to both the State's quota and trip limit is too discretionary since the ASMFC has not yet determined a specific annual quota and trip limit for

smooth dogfish and therefore the Notice of Administrative Change regulatory mechanism is inappropriate for including changes to the State's quota and trip limit which are currently unlimited.

Once a smooth dogfish quota is established, New Jersey's 18.828% of the Atlantic coastal quota and the trip limit established by the Atlantic Coastal Sharks and Smooth Dogfish Management Board values can be expeditiously inserted in the existing regulations to replace the current language that states that the quota and trip limit are limitless.

On a positive note, current language for coastal sharks and smooth dogfish require all sharks and smooth dogfish to be sold to a dealer with a valid permit for sharks issued by the National Marine Fisheries Service. Equally important is that current regulations require weekly dealer reporting of all sharks and smooth dogfish electronically through the Standard Atlantic Fisheries Information System (SAFIS) and the Department of Environmental Protection has the authority to close the season for sharks or smooth dogfish when the quota is projected to be reached.

Thank you for your consideration in this matter. If you have any questions, please do not hesitate to contact me at 609-748-2020.

ENVIRONMENTAL PROTECTION

DIVISION OF FISH AND WILDLIFE

Notice of Administrative Change

Marine Fisheries

Modification to the Season for Processing Smooth Dogfish at Sea, and Smooth Dogfish Commercial Trip Limit

N.J.A.C. 7:25-18.1 and 18.12

Take notice that, pursuant to N.J.A.C. 1:30-2.7 and N.J.A.C. 7:25-18.12(o), the Commissioner of the Department of Environmental Protection, with the approval of the New Jersey Marine Fisheries Council at its May 2, 2013 meeting, has amended N.J.A.C. 7:25-18.1(e)1 to clarify that the finning provisions for sharks and dogfish apply to spiny dogfish and not smooth dogfish to allow for processing smooth dogfish at sea, amended N.J.A.C. 7:25-18.12(d)6 to modify the season for processing smooth dogfish at sea and also amended N.J.A.C. 7:25-18.12(d)6 to change the limit on the take of smooth dogfish based upon the total weight of smooth dogfish fins landed or found on board a vessel as compared to the total weight of smooth dogfish carcasses landed or found on board. These actions have been taken to maintain New Jersey's compliance with Addendum II to the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (FMP) for Coastal Sharks and Smooth Dogfish.

N.J.A.C. 7:25-18.1(e)1 is amended to clarify that the prohibition on the removal of fins (finning) of sharks and dogfish at sea only applies to sharks and spiny dogfish and not smooth dogfish. The finning of smooth dogfish is subject to the provisions established at N.J.A.C. 18.12(d)6 and not N.J.A.C. 7:25-18.1 (see 42 N.J.R. 702). Removing the fins of spiny dogfish and coastal sharks at sea remains prohibited.

The ASMFC's Atlantic Coastal Shark and Smooth Dogfish Management Board (Board) approved Addendum II at its May 21, 2013 meeting. During the development of Addendum I to the ASMFC Coastal Sharks and Smooth Dogfish FMP in 2010, there were concerns that smooth dogfish could be confused with juvenile sandbar sharks. For the purpose of identification, it was decided that the first dorsal fin should remain on the smooth dogfish carcass from July through February. However, over time mis-identification of these two species was determined to not be an issue, particularly when all other fins were allowed to be removed. In addition, the first dorsal fin is relatively large compared to all the other smooth dogfish's fins and not being able to completely process each smooth dogfish caught presented an economic hardship to the fishermen. Therefore, after consultation with the ASMFC's Coastal Shark and Smooth Dogfish Technical Committee (Technical Committee) and Law Enforcement Committee, the Board realized that retaining the first dorsal fin on smooth dogfish processed at sea was not necessary to distinguish the smooth dogfish from juvenile sandbar sharks as originally thought and did not pose any enforcement loopholes in this highly specialized commercial fishery. Hence, Addendum II allows for the complete processing of smooth dogfish at sea during the entire year. Therefore the seasonal prohibition on removing the first dorsal fin from July 1 – February 28 is removed at N.J.A.C 7:25-18.12(d)6 with removal specified to be allowed from January 1 to December 31.

Recognizing that all fins must be naturally attached through dockside landing for coastal sharks, and not smooth dogfish, the Technical Committee, working in cooperation with commercial smooth dogfish fishermen computed a fins to carcass ratio specifically for smooth dogfish. The maximum retention weight calculated for smooth dogfish fins at 12% is intended to discourage any attempt to illegally remove the fins of sharks at sea, dispose of the shark carcass

and mix the shark fins with legally detached dogfish fins by imposing a harvest restriction on smooth dogfish if the percentage of fins to carcass weight of smooth dogfish is exceeded. If the percentage of smooth dogfish fins to carcasses is not exceeded, there is no limit on the take of smooth dogfish, Addendum II requires that the total weight of smooth dogfish fins landed or found on board a vessel must not exceed 12 percent of the total weight of smooth dogfish carcasses landed or found on board to be consistent with the Federal Shark and Fishery Conservation Act, Public Law 111-348-January 4, 2011. Therefore, the fin to carcass ratio is amended at N.J.A.C 7:25-18.12(d)6 from five percent to twelve percent.

These changes will be reflected in the Division of Fish and Wildlife rules at N.J.A.C. 7:25-18.1(e) and 18.12(d). As required in N.J.A.C. 7:25-18.12(o), notice of these changes to N.J.A.C. 7:25-18.12(d) will be published in the New Jersey Register and the Division's commercial regulation publication.

Full text of the changed rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

7:25-18.1 Size, season and possession limits

(a) – (d) (No change.)

(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 prior to landing. The fins may not be removed from a shark or **spiny** dogfish, except after fishing has ceased and such shark or **spiny** dogfish has been landed as specified in (e) above.

2. (No change.)

(f) – (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. – 5. (No change.)

6. All sharks harvested by commercial fishermen shall have tails and fins attached naturally throughout dockside landing. Commercial fishermen may completely remove the fins of smooth dogfish from [March] **January 1** through [June] **December 31** each year. If the fins are removed, the total wet weight of the fins shall not exceed [five] **twelve** 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 first 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. (No change.)

(e) – (t) (No change.)

Date

Bob Martin, Commissioner
Department of Environmental Protection



State of Delaware Smoothhound Shark Addendum II Compliance Plan

July 15, 2013

- 1. Establish a state quota and monitoring system for smoothhound shark commercial landings.**
 - a) The Division of Fish and Wildlife (the Division) will set a state quota for smoothhound shark by regulation. The regulation will give the Division the authority to close the fishery once the quota has been reached. The Division will inform ASMFC of its landings in Delaware's annual Coastal Shark compliance report.
 - b) Delaware will propose regulations that allow the state quota to be changed when needed.
 - a) Delaware will monitor smoothhound landings through a combination of the Standard Atlantic Fisheries Information System, which monitors harvest reported by Federal dealers, and the Delaware Commercial Logbook system, which is a trip based reporting system for all species of finfish.

- 2. Mechanism to set a possession limit for smoothhound sharks.**
 - a) The Division will set a state possession limit for smoothhound shark by regulation.

- 3. Monitor and enforce a maximum fin-to-carcass ratio of 12-to-88.**
 - a) The Division will impose by regulation a 12% fin to 88% carcass ratio with the fins broken down into fin sets. Fisherman will be allowed 8% for the combined fin set of dorsal and pectoral and 4% for the caudal fins. Monitoring and enforcement will be performed by the Division's enforcement section.



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
Joseph P. Gill, Secretary
Frank W. Dawson III, Deputy Secretary

Maryland's Smooth Dogfish (*Mustelus canis*) Proposal for ASMFC Compliance with the
Interstate Fishery Management Plan for Atlantic Coastal Sharks Addendum II

July 15, 2013

1) Establish a state quota and monitoring system for smoothhound shark commercial landings. .

The Maryland Department of Natural Resources (MDNR) Fisheries Service has the authority to establish a state quota and has a monitoring system in place.

COMAR 08.02.22.04 B (1) allows the MDNR Secretary to establish a quota and close this fishery if necessary. It specifically states the following:

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.

COMAR 08.02.22.03 B (2) closes the fishery at the same time as the National Oceanic and Atmospheric Administration (NOAA). It specifically states the following:

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.

COMAR 08.02.22.03 E requires shark fishermen to be licensed with the state and shark dealers to have a federal commercial dealer permit. NOAA began requiring federal dealers to report using online tools in 2004. Federally permitted commercial dealers report landings electronically using Standard Atlantic Fisheries Information System (SAFIS) which is operated by the Atlantic Coastal Cooperative Statistics Program (ACCSP) or other federally approved methods.

(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.

Natural Resource Article, §4-206, Annotated Code of Maryland provides the authority to require weekly dealer reports to meet monitoring requirements. Natural Resource Article, §4-206 specifically states the following:

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.

2) Establish a mechanism to set a state possession limit for smoothhound sharks which, once approved by the Board, requires Coastal Sharks Technical Committee (TC) review and Board approval to change. This possession limit does not need to be implemented until the federal quota for smoothhound sharks is implemented.

Currently, COMAR 08.02.22.03 C (2) states that there is no creel or possession limit for smooth dogfish. COMAR 08.02.22.04 B (1) gives MDNR Secretary the authority to change trip limits by issuing a public notice in a daily newspaper 48 hours in advance. The specific regulation is listed below:

- (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.

Additionally, COMAR 08.02.22.03 C (4) prohibits vessels from landing more than the specified number in one 24-hour period.

3) Monitor and enforce a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88. This ratio is the maximum allowed ratio; states may still choose more conservative measures than the FMP. States may implement the new fin-to-carcass ratio any time after final approval of the document (May 21, 2013), but no later than January 1, 2014.

Maryland proposes to implement a 12% fin to carcass ratio with it broken down into fin sets which will require a change in regulation. Specifically, commercial fishermen would be allowed 8% for the combined fin sets D1 and P, and 4% percent for the caudal fin. Fin set specifications would reduce the likelihood of illegal finning from becoming an issue as well as reduce concerns about such activity and provide consistency with the ASMFC Addendum II and possibly the Shark Conservation Act of 2010. It also addresses the fact that local dealers do not keep the same set of fins and therefore do not require the same percentage.

The Maryland Natural Resources Police are authorized to enforce fisheries regulations.



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 15, 2013

MEMORANDUM

TO: Marin Hawk, Spiny Dogfish and Coastal Shark 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 Proposed Implementation Plan for Addendum II to the Coastal Sharks
Fishery Management Plan

The framework to allow the implementation of Addendum II to the Coastal Sharks Fishery Management Plan and its three elements exists in Virginia Regulatory Code 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 Harvest Reporting." (Enclosed).

The Virginia Marine Resources Commission (VMRC) meets on the fourth Tuesday of the month. A normal regulatory cycle is three months. During the first month a proposed regulatory change is presented to the Commission's appropriate advisory group for discussion. Staff will present this item to the VMRC's Finfish Management Advisory Committee (FMAC) on July 22 as a discussion item. Staff will request a public hearing at the Commission's regularly scheduled monthly meeting in September and the public hearing will be held in October. Pending adoption by the Commission, the regulatory amendments pertaining to smoothhound shark would become effective January 1, 2014.

Required elements of Addendum II and the location in Virginia Regulatory Code:

- 1) Establish a state quota and monitoring system for smoothhound shark commercial landings.

In Section 41 of Chapter 4 VAC 20-490-10, et seq., Commercial Catch Limitations, the state quota for smooth dogfish would be established. Subsection 41 H requires all sharks harvested from state waters or federal waters, for commercial purposes, to be sold to a federally permitted shark dealer. This is one means to monitor and track a quota. Additionally Chapter 4VAC20-

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610-10 et seq. "Pertaining to Commercial Fishing and Mandatory Harvest," requires fishermen to report their daily landings monthly.

2) Establish a mechanism to set a state possession limit for smoothhound sharks.

If and when a possession limit is required it would be established in Section 41 of Chapter 4 VAC 20-490-10 et seq., Commercial Catch Limitations.

3) Monitor and enforce a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88.

The maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88 would be established in Section 41 of Chapter 4 VAC 20-490-10 et seq. "Pertaining To Sharks." Enforcement of the 12-to-88 ratio would be an additional component to existing shark management requirements. Monitoring would include law enforcement checks, dealer audits, federal dealer reports and individual mandatory harvest reports.

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

CC: Jack G. Travelstead
Robert L. O'Reilly, Chief of Fisheries

“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 February 26, 2013 and made effective on March 1, 2013. The effective date of this chapter, as amended, is July 1, 2013.

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 harvester" means any person who harvests clams from leased, subleased, or fee simple ground or any aquaculture growing area, within or adjacent to Virginia tidal waters.

"Clam aquaculture product owner" means any person or firm that owns clams on leased, subleased, or fee simple ground, or any aquaculture 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, General Permit No. 3 Pertaining to Noncommercial Riparian Shellfish Growing Activities.

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”**CHAPTER 4VAC20-610-10 ET SEQ.**

"Clam aquaculture product owner vessel" means any vessel, legally permitted through a no-cost permit, by a clam aquaculture product owner, used to transport clam aquaculture harvesters who do not possess an individual clam aquaculture harvester permit.

"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 harvester" means any person who harvests oysters from leased, subleased, or fee simple ground or any aquaculture growing area, within or adjacent to Virginia tidal waters.

"Oyster aquaculture product owner" means any person or firm that owns oysters on leased, subleased, or fee simple ground, or any aquaculture 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, General Permit No. 3 Pertaining to Noncommercial Riparian Shellfish Growing Activities.

"Oyster aquaculture product owner vessel" means any vessel, legally permitted through a no-cost permit, by an oyster aquaculture product owner, used to transport oyster aquaculture harvesters who do not possess an individual oyster aquaculture harvester permit.

"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 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

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”**CHAPTER 4VAC20-610-10 ET SEQ.**

shall report harvest of any oysters from leased, subleased, or fee simple ground or any aquaculture growing area within or adjacent to Virginia tidal waters in accordance with 4VAC20-610-60.

B. It shall be unlawful for any person, except an oyster aquaculture product owner permittee, oyster aquaculture harvester permittee, or a harvester designated for harvest by an oyster aquaculture product owner vessel permit, to harvest oysters from leased, subleased, or fee simple ground or any aquaculture growing area, within or adjacent to Virginia tidal waters, unless that person is authorized to harvest oysters from areas described in this subsection by an oyster aquaculture product owner.

C. 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 person is on a permitted oyster aquaculture product owner vessel and is harvesting oysters of that oyster aquaculture product owner.

D. 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.

4VAC20-610-26. Clam aquaculture permit requirements.

A. 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 any aquaculture growing area, within or adjacent to Virginia tidal waters, in accordance with 4VAC20-610-60.

B. It shall be unlawful for any person, except a clam aquaculture product owner permittee, clam aquaculture harvester permittee, or a harvester designated for harvest by a clam aquaculture product owner vessel permit, to harvest clams from leased, subleased, or fee simple ground or any aquaculture growing area, within or adjacent to Virginia tidal waters, unless that person is authorized to harvest clams from areas described in this subsection by a clam aquaculture product owner.

C. 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 person is on a permitted clam aquaculture product owner vessel and is harvesting clams of that clam aquaculture product owner.

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”**CHAPTER 4VAC20-610-10 ET SEQ.**

D. 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.

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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.
- C. Requirements of authorized blue crab fishery agents.
1. Any person licensed to harvest blue crabs commercially shall not be eligible to also serve as an agent.
 2. 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.
 3. There shall be no more than one person, per vessel, serving as an agent for a commercial crab licensee.
 4. Prior to using an agent in any crab fishery, the licensee shall submit a crab agent registration application to the Commission. Crab agent registration applications shall be approved by the Commissioner, or his designee, for a crab fishery licensee according to the following guidelines:
 - a. Only 168 agents may participate in the 2013 crab fishery, as described in subdivision 4 b of this subsection, unless the Commissioner, or his designee, approves a request for agent use because of a non-economic hardship circumstance and
 - b. 153 of the 168 agents may be utilized by those crab fishery licensees who received approval for agent use in 2012 or who currently are licensed by a transferred crab fishery license from a licensee approved for agent use in 2012, except that should any of these licensees described in this subdivision fail to register for agent use, applications for agent use by other 2013 licensees shall be approved on a first-come, first-serve basis, starting with those licensees who have registered prior to the effective date of this regulation.
- D. Failure to abide by any of the provisions of this section, shall constitute a violation of this regulation.

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”**CHAPTER 4VAC20-610-10 ET SEQ.**

E. 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.

F. 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.

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”

CHAPTER 4VAC20-610-10 ET SEQ.

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

“PERTAINING TO COMMERCIAL FISHING AND MANDATORY HARVEST REPORTING”**CHAPTER 4VAC20-610-10 ET SEQ.**

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 shall complete a daily form accurately quantifying and legibly describing that day's harvest from Virginia tidal waters 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. Any oyster aquaculture product owner permittee or clam aquaculture product owner permittee shall complete a monthly form accurately quantifying and legibly describing that month's harvest from Virginia tidal waters. The forms used to record monthly harvest shall be those provided by the commission or another form approved by the commission.

E. 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 F of this section. Completed forms shall be mailed or delivered to the commission or other designated locations.

F. 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

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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 from oyster aquaculture product owner permittees and clam aquaculture product owner permittees shall include the name, signature, permit number, lease number, date of the last day of the reporting month, city or county of landing, gear (growing technique) used, weight or amount of species harvested by market category, total number of individual crew members for the month, 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).

G. 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.

H. 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.

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

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J. 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.

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

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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.

* * * * *

This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by §28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia on June 25, 2013.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

By: _____

**Jack G. Travelstead
Commissioner**

Subscribed and sworn to before me this _____ day of June, 2013.

Notary Public

"PERTAINING TO SHARKS"

CHAPTER 4VAC20-490-10 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 23, 2013 and made effective on May 1, 2013. The effective date of this chapter, as amended, is July 1, 2013.

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 Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

“*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*

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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*

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“*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.

“*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.

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

“*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*

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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.

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“*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

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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.

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- 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.

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

- A. For the 12-month period of May 1, 2013, through April 30, 2014, the spiny dogfish commercial landings quota shall be limited to 4,408,894 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 3,300 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 criteria described in subdivision 1 or 2 of this subsection:

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1. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.
 2. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Marine Resources Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010, through April 30, 2012.
- B. 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 A 1 and A 2 of this section.
- C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- D. The use of agents in the spiny dogfish fishery is prohibited.
- E. 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 C 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.

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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.

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This is to certify that the foregoing is a true and accurate copy of the chapter passed by the Marine Resources Commission, pursuant to authority vested in the Commission by § 28.2-201 of the Code of Virginia, duly advertised according to statute, and recorded in the Commission's minute book, at meeting held in Newport News, Virginia, on June 25, 2013.

**COMMONWEALTH OF VIRGINIA
MARINE RESOURCES COMMISSION**

BY: _____
**JACK G. TRAVELSTEAD
COMMISSIONER**

Subscribed and sworn to before me this ____ day of June, 2013.

Notary Public

NORTH CAROLINA REPORT FOR THE IMPLEMENTATION OF ADDENDUM II TO THE INTERSTATE FISHERY MANAGEMENT PLAN FOR COASTAL SHARKS

July 15, 2013

Introduction

This report details the implementation plan for North Carolina to meet the requirements of Addendum II to the Interstate Fishery Management Plan for Coastal Sharks. Addendum II allocated state-shares for smooth dogfish (smoothhound sharks) and changed the maximum fin-to-carcass ratio for at-sea processing of the species. Addendum II will be effective on January 1, 2014 however the coastwide quota for smooth dogfish has not been determined. State-share quota percentages of smooth dogfish have been established and North Carolina will be allocated 28.583% of the Total Allowable Catch (TAC). Each of the requirements of Addendum II will be met through rule 15A NCAC 03M .0512 and proclamation authority.

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 or Atlantic States Marine Fisheries Commission Management Plans or to implement 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.

1. State Quota and Monitoring System For Smooth Dogfish

- a.) Once a coastwide quota is established, the mechanism to close the smooth dogfish fishery is through the rule 15A NCAC 03M .0512 which will be used to close (via proclamation) the fishery when the TAC is reached. A notice of closure will be submitted to the Commission at the time of closure.
- b.) North Carolina will select an appropriate quota monitoring plan once a coastwide quota has been established. Options currently include monthly monitoring by dealers filing trip tickets electronically, daily reporting via fax, email or phone, or a combination of the above. NC successfully monitors other fishery quotas using similar methods.

- c.) The mechanism to enable transfer of unused TAC between North Carolina and another member state will be through a letter confirming the transfer to or from the state transferring and to the ASMFC. The TAC will then be adjusted to reflect that transfer. ASMFC will be notified of any transfer activity by North Carolina.

2. State Possession Limit for Smooth Dogfish

- a.) North Carolina will submit the proposed possession limit to the Board for approval. North Carolina will submit requested changes, to the approved possession limit, to the Board and the Coastal Sharks Technical Committee (TC) for review and approval. The mechanism used to set the North Carolina possession limit for smooth dogfish is through the rule 15A NCAC 03M .0512 which will be used (via proclamation) to establish the Board approved possession limit.

3. Monitor and Enforce Fin-to-Carcass Ratio for Smooth Dogfish

- a.) The mechanism used to monitor and enforce the fin-to-carcass ratio for smooth dogfish is through the rule 15A NCAC 03M .0512 which will be used (via proclamation) to establish the maximum fin-to-carcass ratio of 12-to-88.

South Carolina Department of Natural Resources



Alvin A. Taylor
Director
Robert H. Boyles
Deputy Director for
Marine Resources

July 12, 2013

Ms. Marin Hawk
Atlantic States Fisheries Commission
1050 N. Highland Street
Suite 200A-N
Arlington, VA 22201

Re: Plans to implement provisions of Addendum II to the Coastal Sharks Fishery Management Plan

Dear Ms. Hawk,

The South Carolina Department of Natural Resources (SCDNR) has plans in place to meet or exceed all requirements of Addendum II to the Coastal Sharks Fishery Management Plan (FMP). All required regulations will be met through the SCDNR Shark Vessel Permit, and mandatory shark reporting forms (attached). Specifics of plans to comply are detailed below:

1). Establish a state quota and monitoring system for smoothhound shark commercial landings.

Mandatory reporting of monthly landings of sharks (species specific) is currently required as a condition of the SC Shark Vessel Permit. Monthly landings of smoothhound sharks will be monitored, and the fishery will close in SC state waters when 80% of the established quota has been met. Given that there is a lag between reporting and fishing closures, this will ensure quota overages do not occur.

2). Establish a mechanism to set a state possession limit for smoothhound sharks.

SCDNR has determined that possession limits for smoothhound sharks are not necessary given the nature of the fishery in SC. The SC commercial fishery for smoothhound sharks consists of day trip vessels that are landing smaller catches of smoothhound sharks. As such, possession limits are not necessary.

3). Monitor and enforce a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88.

The SCDNR currently requires all sharks have their fins naturally attached through landing. This measure is more conservative than the regulation in Addendum II, and the SCDNR will continue to enforce this regulation in state waters.

The proposed plans will be enacted by the requested date of January 1, 2014, and the SCDNR foresees there will be no difficulties with full compliance to Addendum II of the FMP. Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Wallace Jenkins". The signature is written in a cursive, flowing style.

Wallace Jenkins
Office of Fishery Management
Division of Marine Resources

cc: R. Boyles
M. Bell
B. Frazier

South Carolina Department of Natural Resources



Alvin A. Taylor
Director
Robert H. Boyles
Deputy Director for
Marine Resources

SHARK VESSEL PERMIT SK14-000

PERMITTEE:

FROM: Department of Natural Resources
Marine Resources Division
Office of Fisheries Management

DATE:

Under authority of Section 50-5-2725, S. C. Code of Laws, the fishing vessel named below is permitted to be used by the permittee for the take of sharks for commercial purposes in areas under jurisdiction of the State of South Carolina subject to the specifications and conditions set forth below. Signature of the permittee is required for this permit to be valid.

A handwritten signature in cursive script that reads "Melvin Bell".

Melvin Bell, Director
Office of Fisheries Management

PURPOSE

The purpose of this permit is to allow use of the permitted vessel to engage in taking sharks in the waters of South Carolina for commercial purposes and to inform the permittee of related conditions.

SPECIFICATIONS

Vessel Name: _____ Registration Number: _____

Gear: Trawl Trotline(Shortline) Hook and line

Captain: _____

Effective: July 1, 2013 Expires: June 30, 2014

CONDITIONS

1. The limits, closures, and requirements pertaining to shark fishing provided by federal regulations are the law of South Carolina.
2. The landing of 18 species in the management unit, as listed in the attachment, is prohibited.
3. Retention of shark species for which a federally determined closure period is in place is prohibited. Closure periods for the sandbar, small coastal, non-sandbar large coastal, and the pelagic sharks groups will be activated by the National Marine Fisheries Service when annual quotas are reached. Listings for species within the four groups are a part of this permit.
4. Catch limits will be determined by the type of commercial gear being used. Trawlers are considered "incidental" and during open seasons permit holders may keep up to 3 non-sandbar large coastal sharks per vessel per trip and 16 pelagic or small coastal sharks (all species combined) per vessel per trip. Hook and line, rod and reel, jugs, and trotlines (shortlines*) are considered "directed" and during open seasons permit holders may keep up to 33 non-sandbar large coastal sharks per vessel per trip and there are no retention limits for pelagic or small coastal sharks.
*Shortlines are defined as: fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length. A maximum of 2 shortlines are allowed per vessel.
5. Sandbar sharks can only be taken if a Federal limited access shark permit holder also has a Federal shark research fishery permit and has a NMFS-approved observer onboard during the collection of the sandbar sharks. If a fisherman does not have a Federal shark research fishery permit or if the fisherman has a Federal shark research fishery permit but does not have a NMFS-approved observer onboard, then retention of all sandbar sharks is prohibited.
6. All sharks must have all of their fins naturally attached through offloading.
7. Sharks may be taken by any lawful means. The use of gill nets to harvest sharks is prohibited in state waters. Any shark taken by gill net must be released immediately.
8. The permittee must allow designated officials of the S. C. Department of Natural Resources to board or accompany the permitted vessel to observe the fishing activity, fishing gear, catch, and discards during any harvest period.
9. Non-commercial possession limits of sharks as allowed during closure periods by federal regulation are not allowed aboard the permitted vessel.
10. This permit in full must be in the possession of the permitted harvester at all times of harvest, possession, and sale of sharks. A copy must be maintained at any location or vehicle where sharks are held or transported prior to sale.
11. A vessel captain must hold a valid commercial saltwater fishing license and must be a wholesale seafood dealer federally permitted to receive sharks or must sell his catch exclusively to a wholesale seafood dealer federally permitted to receive sharks.
12. Permittee must report landings of all sharks retained (by gear type and species) **but not actually sold** when taken under the authorization granted by this permit and a commercial fishing license. Landings reports must be submitted to the DNR Office of Fisheries

P.O. Box 12559 • Charleston, S.C. 29422-2559 • Telephone: 843-953-9300

Management on forms provided by the DNR. Failure to submit required reports to the DNR for **sharks retained but not sold** by the 10th of each month may result in loss of permit and commercial shark fishing privileges.

13. Quotas for smooth dogfish will be established based on the SC share of the federal quota as documented by Addendum II to the Atlantic States Marine Fisheries Commission's Coastal Shark Management plan. Landings will be monitored, and the fishery will close when reported landings reach 80% of the allowable quota. Any quota overages will be deducted from the following years quota.
14. The vessel, captain, and fishing equipment must be properly licensed as required by Sections 50-5-300, 50-5-310, 50-5-325, and 50-5-350, SC Code of Laws.
15. Failure to comply with conditions of this permit will result in revocation of this permit. This permit may be canceled at any time by the Marine Resources Division upon notification.
16. Vessels taking sharks for commercial purposes in federal waters (the Exclusive Economic Zone, 3 to 200 nm from shore) require a federal permit. Contact NMFS Southeast Regional Office (727) 570-5326.
17. Any vessel using a shortline must use corrodible circle hooks. All shortline vessels must practice the protocols and possess the recently updated 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 captains and vessel owners must be 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 Fisheries. 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.

I have read and will abide by the specifications and conditions of this permit.

DATE

PERMITTEE

As a condition of your commercial shark permit, you must remit a report detailing the below information. Reports must reach the Fisheries Statistics Section no later than the 10th of the month following the report month. For example, the March report must be received by 10 April. Failure to report could result in permit revocation.

| | | |
|-----------------|-----------|---------------|
| Fisherman Name: | Permit #: | Report Month: |
|-----------------|-----------|---------------|

| Large Coastal Sharks | | | |
|----------------------|----------------|-------------|-----------------|
| Species | Dressed Weight | # of Sharks | Gear/ Equipment |
| Blacktip | | | |
| Bull | | | |
| Great Hammerhead | | | |
| Smooth Hammerhead | | | |
| Scalloped Hammerhead | | | |
| Lemon | | | |
| Nurse | | | |
| Silky | | | |
| Spinner | | | |
| Tiger | | | |
| | | | |
| Pelagic Sharks | | | |
| Species | Dressed Weight | # of Sharks | Gear/ Equipment |
| Blue | | | |
| Shortfin Mako | | | |
| Oceanic Whitetip | | | |
| Porbeagle | | | |
| Common Thresher | | | |
| | | | |
| Small Coastal Sharks | | | |
| Species | Dressed Weight | # of Sharks | Gear/ Equipment |
| Atlantic Sharpnose | | | |
| Blacknose | | | |
| Bonnethead | | | |
| Finetooth | | | |
| Spiny Dogfish | | | |
| *Smooth dogfish | | | |

* Smooth Dogfish not classified as a small coastal shark, classified as a smoothhound.

The reports should reach the Division no later than the 10th of the month following the report month. For example, the March report should reach our offices no later than 10 April. THESE MONTHLY REPORTS ARE DUE EVEN IF NO FISHING ACTIVITY OCCURRED.

Please mail reports to: Office of Fisheries Management

Fisheries Statistics Program

P.O. Box 12559

Charleston SC 29422-2559

PHONE (843) 953-9047 FAX (843) 953-9362

| | |
|------------|-------|
| SIGNATURE: | DATE: |
|------------|-------|



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

July 19, 2013

Marin Hawk
Atlantic States Marine Fisheries Commission
1050 N. Highland St, Suite 200A-N
Arlington, VA 22201

Dear Marin:

By way of this letter I am responding to your June 28, 2013 email regarding Addendum II to the Coastal Sharks Fishery Management Plan. The State of Georgia is notifying the Atlantic States Marine Fisheries Commission that Georgia's current fishery management practices for smoothhound sharks and the fin-to-carcass ratio for at-sea processing of that species meet or exceed requirements of Addendum II.

Addendum II requires a state quota and monitoring system for smoothhound shark commercial landings. Pursuant to Table 1 in your June 28, 2013 memo, Georgia does not hold any shares in the current quota. As such, Georgia would not need to implement additional management to comply with this requirement.

The second requirement of Addendum II is to establish a mechanism to set a state possession limit for smoothhound sharks. The State of Georgia authorizes its Board of Natural Resources to promulgate rules and regulations to establish size, creel and possession limits for certain finfish species [GADNR Rule 391-2-4-.04(1)]. Currently, smoothhound sharks are included as part of the "Sharks" grouping which is managed with a 1 shark per person or boat (whichever is less) and a 54" TL size limit [GADNR Rule 391-2-4-.04 (3)(r)].

The final requirement of Addendum II is the enforcement of a maximum fin-to-carcass ratio for smoothhound sharks of 12-to-88. Georgia requires that all regulated finfish species be landed with heads and fins attached with the exception of commercially caught sharks, which can be landed without heads, but must be landed with fins and tail naturally attached [GADNR Rule 391-2-4-.04 (5)(a)].

We will continue to monitor catches of these species with our fishery-independent and -dependent surveys and provide estimates of abundance from these surveys along with relevant information.

M. Hawk
July 19, 2013
Page 2

In summary, Georgia statutes and regulations for smoothhound sharks in state waters meet or exceed those required by the Addendum II. Thus, the State of Georgia submits that we are in compliance with Addendum II. A copy of the above-referenced rule is attached. Please notify me if you require another copy.

Sincerely,



A. G. "Spud" Woodward

cc: Carolyn Belcher
Brad Gane
Pat Geer
Doug Haymans

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, methods of fishing, and disposition; size, possession, and creel limits; and gear and landing specifications 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.

(b.1) "Maximum size" means the species' specific size in length, specified as fork length, lower jaw fork length or total length, above 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.

(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, Daily Creel and Possession Limits, Minimum and Maximum Size Limits.** The following species may be taken in accordance with the seasons, daily creel and possession limits, and minimum and maximum size limits set forth below, except as otherwise specifically provided herein:

| SPECIES | SEASON | Daily Creel and Possession Limit | Minimum Size (inches) | Maximum Size (inches) |
|-----------------------|--|----------------------------------|-----------------------|-----------------------|
| (a) Amberjack | Mar. 16—Dec. 31 | 1 | 28 FL | |
| (b) Atlantic croaker | All Year | 25 | 8 TL | |
| (c) Atlantic sturgeon | No Open Season has been established by the Board of Natural Resources. | | | |
| (d) Black drum | All Year | 15 | 10 TL | |
| (e) Black sea bass | All Year | 15 | 12 TL | |
| (f) Blue marlin | No Open Season has been established by the Board of Natural Resources. | | | |

| | | | | |
|---|--|--|-------|-------|
| (g) Bluefish | Mar. 16—Nov. 30 | 15 | 10 TL | |
| (h) Cobia | Mar. 16—Nov. 30 | 2 | 33 FL | |
| (i) Dolphin | All Year | 10 per person not to exceed 60 per boat. | 20 FL | |
| 1. Headboats with a valid certificate of inspection are allowed 10 dolphin per paying passenger. | | | | |
| (j) Flounder (<i>Paralichthys spp.</i>) | All Year | 15 | 12 TL | |
| (k) Gag grouper | All Year | 2 | 24 TL | |
| (l) King mackerel | All Year | 3 | 24 FL | |
| (m) Red Drum | All Year | 5 | 14 TL | 23 TL |
| (n) Red Porgy | All Year | 3 | 14 TL | |
| (o) Red Snapper | All Year | 2 | 20 TL | |
| (p) Sailfish | No Open Season has been established by the Board of Natural Resources. | | | |
| (q) Sand tiger shark | No Open Season has been established by the Board of Natural Resources. | | | |
| (r) Sharks | All Year | 1 per person or boat | 54 TL | |
| (s) Sheepshead | All Year | 15 | 10 TL | |
| (t) Small Shark Composite (Atlantic sharpnose, bonnethead, and spiny dogfish) | All Year | 1 | 30 TL | |
| (u) Spanish mackerel | Mar. 16—Nov. 30 | 15 | 12 FL | |
| 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. | | | | |
| (v) Spot | All Year | 25 | 8 TL | |
| (w) Spotted sea trout | All Year | 15 | 13 TL | |
| (x) Tarpon | Mar. 16—Nov. 30 | 1 | 68 FL | |
| (y) Tripletail | All Year | 2 | 18 TL | |
| (z) Weakfish | All Year | 1 | 13 TL | |
| (aa) White marlin | No Open Season has been established by the Board of Natural Resources. | | | |

(4) 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:

(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.

(5) Possession and Landing Specifications.

(a) All fish subject to restrictions specified in this Rule may be possessed in state waters or landed only with head and fins intact, except that when landed for commercial purposes, all sharks may have the heads removed but fins and tail must remain naturally attached.

(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 restrictions specified in this Rule.

(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.

(d) Except as otherwise provided by law, trawlers fishing for shrimp for human consumption pursuant to Code Section 27-4-133 shall be exempt from the creel and possession limits for spot and Atlantic croaker.

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:** F. Mar. 25, 2010; eff. Apr. 14, 2010. **Amended:** F. Dec. 18, 2012; eff. Jan. 7, 2013.

MEMORANDUM

To: Marin Hawk

From: Jim Estes

Date: 7/19/2013

Re: Coastal Sharks Fishery Management Plan (FMP) Addendum II Implementation Plan

The Spiny Dogfish and Coastal Sharks Management Board approved Addendum II to the Coastal Sharks Fishery Management Plan at the Atlantic States Marine Fisheries Commission May 2013 meeting. This addendum created states shares for smoothhound sharks and changed the maximum fins to carcass ratios for at sea processing of smooth dogfish. There is no fishery in Florida for smoothhound sharks; hence no shares were provided to Florida in the addendum. Therefore, implementation of new measures provided by this addendum is not needed for Florida.