

Coastal Sharks Technical Committee Consensus Recommendations:
Final Draft Interstate Fishery Management Plan
For Atlantic Coastal Sharks.
April 10, 2008

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The following are consensus recommendations from Coastal Sharks Technical Committee (TC) members who attended a one-day meeting in Baltimore, Maryland. The TC convened to give feedback on the various options contained in the Final Draft Interstate Fisheries Management Plan for Atlantic Coastal Sharks. The Final Environmental Impact Statement (FEIS) for federal Amendment 2 to the Consolidated HMS FMP was presented to the TC at the beginning of the meeting allowing them to consider how the various management options would relate to new federal regulations. The EIS became available on the day of the meeting.

Overall Recommendation

The TC would like to stress the following as paramount to the success of this plan. Explanations are provided in summaries of each section.

- 1.) Commercial species groups and recreationally permitted species identical to federal groupings (Section 4.1.1).
- 2.) Annual quota that is identical to federal specifications (Section 4.3.3.1).
- 3.) Require federal dealer permits for commercial dealers (Section 4.3.8.1).
- 4.) The head, tail, and fins must remain attached through landing in both the commercial and recreational fishery (Section 4.2.2 & 4.3.4.6) with an exemption for smooth dogfish.

4.1.1 Species Groupings

Species groups identical to federal plan.

Species groupings in the ASMFC FMP should be identical to NMFS groupings which requires different groupings for commercial and recreational anglers.

For Commercial:

Keep the LCS, SCS, and Pelagic designations that are in the draft with the following exemption; Move sandbar from LCS to its own “research only” group and allow take for research and display purposes only. Amendment 2 FEIS has made sandbar a research only fishery because their stocks are so severely depleted.

Smooth dogfish should be included and classified as its own group so the ASMFC can set trip limits, quotas, and other management measures specifically for them as appropriate.

For Recreational (the following species could be caught by recreational anglers):

Non-ridgeback LCS plus tiger - *blacktip, spinner, bull*, nurse, lemon, tiger, smooth hammerhead, scalloped hammerhead, great hammerhead

SCS - Atlantic sharpnose, finetooth, bonnethead, blacknose
Pelagic sharks - porbeagle, common thresher, shortfin mako, oceanic whitetip, blue sharks

All other species are prohibited for recreational anglers.

The original list of recreationally permitted species contained in the Draft Amendment 2 did not include bull, spinner, porbeagle, or blacktip sharks. The Board wrote a letter to HMS asking them to add bull, spinner, and blacktip sharks for recreational anglers and to establish a 2-mt quota for porbeagle. The Amendment 2 FEIS now includes bull, spinner, porbeagle and blacktip sharks for recreational anglers and establishes a 1.7 mt quota for porbeagle sharks.

4.1.2 Smooth Dogfish

Option A. Include smooth dogfish as a separate species group.

Smooth dogfish, *Mustelus canis* should be included in the plan. Smooth dogfish management should be a high priority and an assessment should be conducted as soon as possible. The commercial fishery catches primarily females which could lead to the same problems as spiny dogfish (skewed sex ratio leading to a huge discrepancy between what the fishermen see and the assessment estimates) if we do not manage them proactively.

Smooth dogfish should be initially managed using trip limits until an assessment can be conducted. Once the assessment is run, appropriate quotas can be set. The TC will analyze trip limits between the Spring and Summer ASMFC meeting (if the Board chooses to include smooth dogfish as part of this plan) and recommend an initial trip limit.

4.1.3 Fishing Season

Option A. January 1 – December 31

Option A is preferred because it is consistent with the federal season and will still allow northern states to harvest LCS by setting small trip limits.

Amendment 2 establishes a non-sandbar LCS trip limit of 33 fish through 2012. This trip limit is predicted to reduce the take to a level that will allow for non-sandbar LCS take throughout the entire year. This FMP should also establish trip limits of 33 non-sandbar LCS which is consistent with federal regulations and gives all states a chance to land the LCS species.

The TC examined different scenarios of what would happen if NMFS and ASMFC had different fishing years and strongly cautions the Board against establishing a different fishing year. Establishing a different fishing year will essentially make setting identical quotas impossible.

4.2.1 Recreationally Permitted Species

Option C. Identical to federal waters (with an exemption for smooth dogfish)

Identical regulations in state and federal waters are necessary to minimize confusion for recreational anglers.

NMFS has added the three species (bull, blacktip, and spinner) that the Spiny Dogfish & Coastal Shark Management Board asked them to add to their list of species that recreational anglers can catch in federal waters. They also added porbeagle sharks

The Amendment 2 EIS allows recreational harvest of:

Non-ridgeback LCS plus tiger - *blacktip, spinner, bull*, nurse, lemon, tiger, smooth hammerhead, scalloped hammerhead, great hammerhead

SCS - Atlantic sharpnose, finetooth, bonnethead, blacknose

Pelagic sharks - porbeagle, common thresher, shortfin mako, oceanic whitetip, blue sharks

All other species are prohibited for recreational anglers except smooth dogfish.

The original list of recreationally permitted species contained in the Draft Amendment 2 did not include bull, spinner, or blacktip sharks. The Board wrote a letter to HMS asking them to add these species for recreational anglers. The Draft Amendment 2 also prohibited the take of porbeagle sharks for both commercial and recreational fishermen. The Amendment 2 FEIS now includes bull, spinner, blacktip and porbeagle sharks for recreational anglers.

4.2.2 Landings Requirements

The TC endorses this provision to keep the head, tail, and fins attached to the carcass *for all species except for smooth dogfish*. This is consistent with federal regulations, helps law enforcement identify sharks, and guarantees that the sharks are not finned.

4.2.3 Recreational Minimum Size Limits

Option A. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet. No size limit for bonnethead or Atlantic sharpnose or smooth dogfish.

This option mirrors federal regulations (sans smooth dogfish that are not managed). Fork length is the most appropriate size limit criteria for sharks and 4.5 feet is an appropriate cut off length.

Smooth dogfish should be exempt from the 4.5-foot fork length size limit because such a restriction would eliminate recreational fishermen from retaining them. There is no reason at this time for recreational anglers to be prohibited from retaining smooth dogfish.

4.2.4 Authorized Recreational Gear

Option B. Handline, and rod & reel are the only allowable gear in the recreational fishery. In addition, circle hooks are required for all recreational anglers directing on sharks.

In almost every study, circle hooks enhance survival of released animals. Some studies on commercial fisheries have shown that circle hooks increase hooking over J-hooks. No studies are available specific to the shark recreational fishery.

Circle hooks are always considered “unenforceable” and because of this, they are never required in the recreational fisheries. If we do not try to require them, then how do we know if they are in fact enforceable or not?

Separate of the enforceability of circle hooks is the issue of whether anglers will use them or not. Just because something is not enforceable does not mean that people will not comply with it. Requiring circle hooks in this plan could be a great way to begin the push for circle hooks in all recreational fisheries.

4.2.5 Recreational Fishing License

The TC endorses the recommendation rather than requirement because it will not waste resources. The reauthorized Magnusson Act ensures the establishment of a recreational registry by 2011 at the latest.

4.2.6 Recreational Shore-Angler Possession Limits

Option A. Each recreational shore-angler is allowed a maximum harvest of one shark from either the large coastal, small coastal, or pelagic species group per calendar day. In addition, each recreational shore angler may harvest one bonnethead, one sharpnose, and one smooth dogfish per calendar day. This is consistent with current federal shark regulations.

“Option A” is the most consistent with federal regulations and also allows for harvest of smooth dogfish.

4.2.7 Recreational Vessel-Fishing Possession Limits

Option A. Each recreational fishing vessel is allowed a maximum harvest of one shark from either the large coastal, small coastal, or pelagic species group per trip. In addition, each recreational angler fishing from a boat may harvest one bonnethead, one sharpnose, and one smooth dogfish per trip. This is most consistent with current federal shark regulations.

“Option A” is most consistent with federal regulations and also allows for harvest of smooth dogfish.

The TC prefers this language to the suggestions given by the LEC to achieve the possession limit restrictions specified by Option A.

4.3 Commercial Fisheries Management Measures

The TC agrees that it is a good idea to remove the definition of a commercial fisherman as the LEC recommended and define who is responsible for following the bycatch reduction measures (*Section 4.3.4.5 Bycatch Reduction Measures*) in that section. Commercial fisherman was originally defined so that incidental catch of sharks did not become dead discards in other fisheries that catch the occasional shark. Staff was unable to find a single FMP that defines a commercial fisherman.

4.3.1 Regions

Option C. Two or more regions with different geographical splits.

Two regions: North Atlantic and South Atlantic delineated as north and south of Cape Hatteras¹.

¹ The South Atlantic region includes all waters south of a line that runs due east beginning on a point at Cape Hatteras, North Carolina (35° 13' 13.86" N, 75° 31' 50.81" W) to the line separating the South Atlantic and the Gulf of

Establishing two regions gives the ASMFC the flexibility to allocate quota by region if necessary to allow all fishermen a chance to land LCS. Amendment 2 EIS dissolves the North and South Atlantic regions into an all-encompassing Atlantic Region (there is also a Gulf of Mexico Region). This gives the ASMFC the ability to establish sub regions within the Atlantic Region, if the Board deems it necessary, without being in direct conflict with the federal quotas. The TC does not think that the ASMFC needs to establish regional quotas if they set trip limit at 33 fish for LCS (*Section 4.3.3.4 Possession Limits*).

There are two separate shark fisheries that occur north and south of Cape Hatteras because of seasonal thermal differences at this latitude. This is the most appropriate line to use to split the Atlantic Region.

4.3.2 Seasons

TC endorses this option

4.3.3.1 Quota Specification Schedule

The TC likes a hybrid between Option D (identical quotas to NMFS) and Option E (open and close for a species when NMFS does).

It is paramount for the ASMFC to set an identical quota to federal waters and close when federal waters are closed. Using landings restrictions, it is still possible to control where the quota is allocated along the Atlantic coast. The following hybrid of Options D and E would allow this.

- 1.) Annual quota automatically identical to federal specifications in the Atlantic Region. (Option D)
- 2.) Board will allocate the annual quota to North and South regions as they see fit (TC & AP will give recommendations) and control this using landings restrictions.
- 3.) No matter what, fishery for a species/group is closed when the federal waters fishery closes for that species/group. (Option E) Initially, monitoring may not be timely enough to close the fishery and closing when federal waters closes will ensure that overall quota is not exceeded. Overages will be subtracted from a region that goes over and allocated to the other region the following year. (*Section 4.3.3.2 Payback of Quota Overages*)
- 4.) The Board will assign a quota for smooth dogfish once an assessment has been completed. Initially there will be no quota for smooth dogfish.

4.3.3.2 Payback of Quota Overages

This section should be changed to mirror # 4.) above and should not be used to adjust the annual quota. NMFS accounts for under-harvest in their quota setting process.

Rollovers should be used to allocate quota to a region that could not land its full portion the previous year before the other region harvested more than they were allotted.

Mexico councils as defined in 50 CFR Part 600 (c.) of the Magnuson -Stevens Act. The North Atlantic region includes all waters north of 35° 13' 13.86" N, 75° 31' 50.81" W.

The following is an example of how this would work.

-2009 quota of 50 mt for Atlantic LCS

-Board allocates 25 mt to N. Atlantic and 25 mt to S. Atlantic

-S. Atlantic lands 30 mt (5 mt overharvest) and the fishery closes with the N. Atlantic only harvesting 20 mt.

-2010 quota of 50 mt for Atlantic LCS

-Board adjusts 2010 allocation to account for the N. Atlantic overharvest: N. Atlantic 30 (+5) mt, S. Atlantic 20 (-5) mt.

4.3.3.3 Quota Rollovers

Remove this section because NMFS accounts for over/under-harvest when setting their annual quotas.

Identical quotas between federal and state waters are paramount to successful shark management. NMFS already accounts for over and under harvest as part of their specification setting process making any additional adjustment unnecessary. Setting the quota identical to federal specifications is the most appropriate way to manage sharks.

4.3.3.4 Possession Limits

Option B. Possession limit set annually by species group.

Possession limits should be set by species group because the quota is assigned to species groups. Setting by group also simplifies enforcement.

Possession limit for non-sandbar LCS should be set by number of fish because number of fish is easier to enforce than weight, which requires weighing each individual fish.

Initial possession limits should be 33 for non-sandbar LCS for directed fishermen; and no trip limit for SCS or Pelagic species. The sandbar possession limit should be 0 except for research purposes. If smooth dogfish are included in this plan, the TC will analyze catch data and recommend an initial possession limit for them.

NMFS estimates that a trip limit of 33 non-sandbar LCS will ensure that the annual non-sandbar LCS quota is not completely harvested during the fishing season making LCS available to fishermen in all states. The Amendment 2 FEIS would limit incidental fishermen to 3 non-sandbar LCS through 2012. The TC endorses this estimation.

4.3.4.1 Commercial Permit Requirements

Option A. State permit

It is important to require permits for the shark fishery to collect fisheries dependent data. It is unlikely that any state would allow federal permit holders to harvest in their waters without also requiring a state permit making a federal permit requirement a moot point.

4.3.4.2 Display and Research Permits

Option B. State display/research permit only.

Exemptions should be granted with a state display or research permit as long as annual state compliance reports contain all relevant biological information for each shark that is taken.

The TC is concerned about federal permit requirements because there are state-water only shark surveys. It would be problematic to require them to obtain additional federal permits. It is essential that state and federal managers be encouraged to collect shark permit information and data.

4.3.4.3 Commercial Size Limits

Option B. Commercial size limit of 4.5' for LCS species.

This option is strongly recommended as one-half of a two-part strategy to protect pupping areas and nursing grounds. Size limits will protect pups without having to implement a closure that would be along most of the coast for most of the year. The seasonal closure option (*Section 4.3.5*) will protect pregnant females.

This plan will not protect shark pups unless commercial and recreational size limits are implemented.

4.3.4.4 Commercial Gear Restrictions

The TC recommends allowing all gears types except for longlines. A, B, C, D, F, G, & H.

Longlines should be prohibited gear in state shark fisheries.

4.3.4.5 Commercial Bycatch Reduction Measures

Include Option A and B.

These measures are designed to protect threatened and endangered species and should only apply to fishermen who are directing on sharks rather than fishermen who incidentally catch a few sharks.

Federal incidental permits allow a maximum of 3 fish under the Amendment 2 FEIS. Three is intended to allow fishermen from other fisheries who incidentally catch sharks to keep an amount that they are likely to land unintentionally. Any amount greater than 3 requires fishermen to obtain a directed permit. The TC felt that 3 sharks is a good threshold level and should be used as the criteria for a directed fisherman.

Add the following language at the beginning of this section to define who must follow these regulations:

Any fisherman who intends to catch more than 3 sharks or has more than 3 sharks onboard their vessel must abide by the following bycatch reduction measures.

The TC also requests requiring nets to be 'tended' rather than 'checked' for Option B.

4.3.4.6 Finning and Identification

The TC endorses this measure with an exemption for smooth dogfish.

The presence of fins is critical to species identification and species identification is critical for quota monitoring and assessments. The presence of fins would also help to “solve the sex ratio data problem” and aid enforcement officers.

The TC also agrees that heads should be kept on, unlike the federal regulations, in order for the size limit to be enforceable.

4.3.5 Seasonal Closures

The TC strongly endorses this closure for all LCS as necessary to rebuild and maintain healthy self-sustaining shark populations.

4.3.6 ALTERNATIVE MANAGEMENT SUITE

The TC does not support this proposal mainly because the proposal does not set a quota for LCS sharks and would create inconsistencies between state and federal shark management.

The TC pointed out that this suite is almost identical to the EIS for Amendment 2 except that it proposes a trip limit of 10 non-sandbar LCS rather than 33. A trip limit of 33 LCS is predicted to spread the quota out for the entire year so it should accomplish the same goal.

4.3.8.1 Dealer Permits

Option A. Federal dealer permits are required to buy and sell sharks.

Requiring federal permits will help provide accurate species specific data and ensure that all state shark landings are counted towards quotas in a timely manner.

The TC strongly recommends requiring federal dealer permits because of the numerous benefits that happen with a requirement for federal dealer permits. Federal quotas are monitored through dealer reports. The dealer reporting requirements allows for the more timely closures when quotas are landed. Federal dealers are required to attend shark ID workshops and should be able to identify sharks correctly. State shark fishermen may sell to federal dealers as long as the sharks are caught in accordance with state regulations and there 300 + federal dealers along the coast who are accessible to shark fishermen in every state along the coast.

Allowing state dealer permits will simply not work because some states do not have a state dealer permits system that can report landings on a timely basis (Georgia & Delaware). Timely monitoring of landings is paramount to successful shark management.

4.3.8.2 Dealer Reporting Schedule

Option B. State shark dealers must report on the 1st and 15th of every month. Same schedule as federal shark reporting requirements dictate. See CFR 635.5.

The TC strongly opposes allowing state dealer permits. If state dealer permits are allowed, then Option B is the best because it is consistent with the federal schedule.

4.3.8.3 Dealer Reporting Requirements

Option B. Dealers are to report the quantity of shark purchased (in pounds) separated into total weight of each individual shark species. ~~Dealers whose reported weights are found to be less than 95% correct will be subject to fines and/or loss of license.~~

The TC agrees that species-specific landings data are essential for assessment and monitoring purposes. They also see no problem with removing the sentence regarding the 95% that makes this provision “unenforceable” according to the LEC.