



Atlantic States Marine Fisheries Commission

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MEMORANDUM

November 13, 2017

TO: Tobey Curtis, NOAA Atlantic Highly Migratory Species (HMS) Management Division

FROM: ASMFC Law Enforcement Committee

SUBJECT: Law Enforcement Committee comments on Commercial Sale Endorsement for HMS Charter/Headboat permit holders Proposed Rule

The Atlantic States Marine Fisheries Commission's Law Enforcement Committee (LEC) reviewed the proposed rule from NOAA Atlantic Highly Migratory Species (HMS) Management Division regarding the creation of a separate commercial sale endorsement for HMS Charter/Headboat permit holders. Under the proposed rule, NMFS would create a "commercial sale" endorsement for the HMS Charter/Headboat permit that would prohibit the selling of any catch of HMS unless a permitted vessel obtains the endorsement. Currently, individuals with a Federal commercial shark permit and HMS Charter/Headboat permit can sell Atlantic sharks. If the proposed rule is enacted, HMS Charter/Headboat permitted vessels with a "commercial sale" endorsement would be categorized as commercial vessels for the purposes of USCG commercial fishing vessel safety requirements. Those vessels holding an HMS Charter/Headboat permit without a "commercial sale" endorsement would not be categorized as commercial fishing vessels and would not be subject to the USCG commercial fishing vessel safety requirements.

A number of LEC members expressed concern about distinguishing between Charter/Headboat permit holders who are fishing recreationally and those permit holders fishing commercially. While the aim of the proposed rule is to simplify the vessel safety requirements, many LEC members indicated the larger issue with the proposed rule is whether it further blurs the line between recreational and commercial activities specific to Coastal Sharks. Many LEC members indicated that state permit requirements already specify whether a permit holder can sell Coastal Sharks. There were no specific comments made regarding the safety requirements changes of the new endorsement.

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