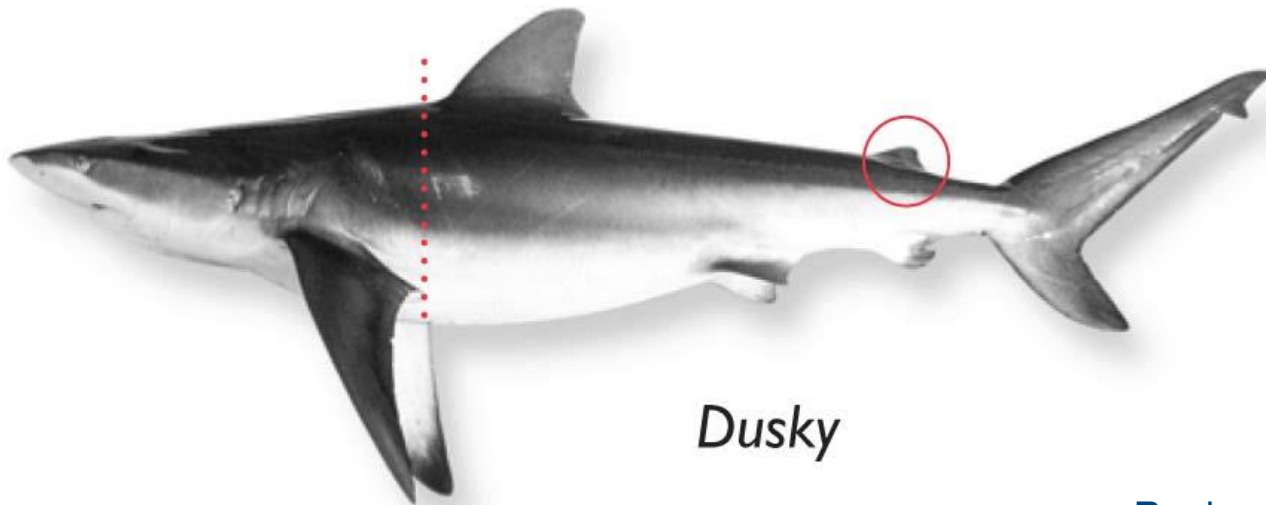


NOAA
FISHERIES

Atlantic Highly Migratory Species

Amendment 5b - Dusky Shark
Management Measures:

Proposed Rule



Dusky

Presented to
Regional Fishery Management Councils
and Marine Fisheries Commissions
Oct. – Dec. 2016

Outline

- Background
 - Management History
 - SEDAR 21 Update and Addendum
- Alternatives Considered
 - Recreational
 - Commercial
- ACLs and AMs for Prohibited Species
- Request for Comments

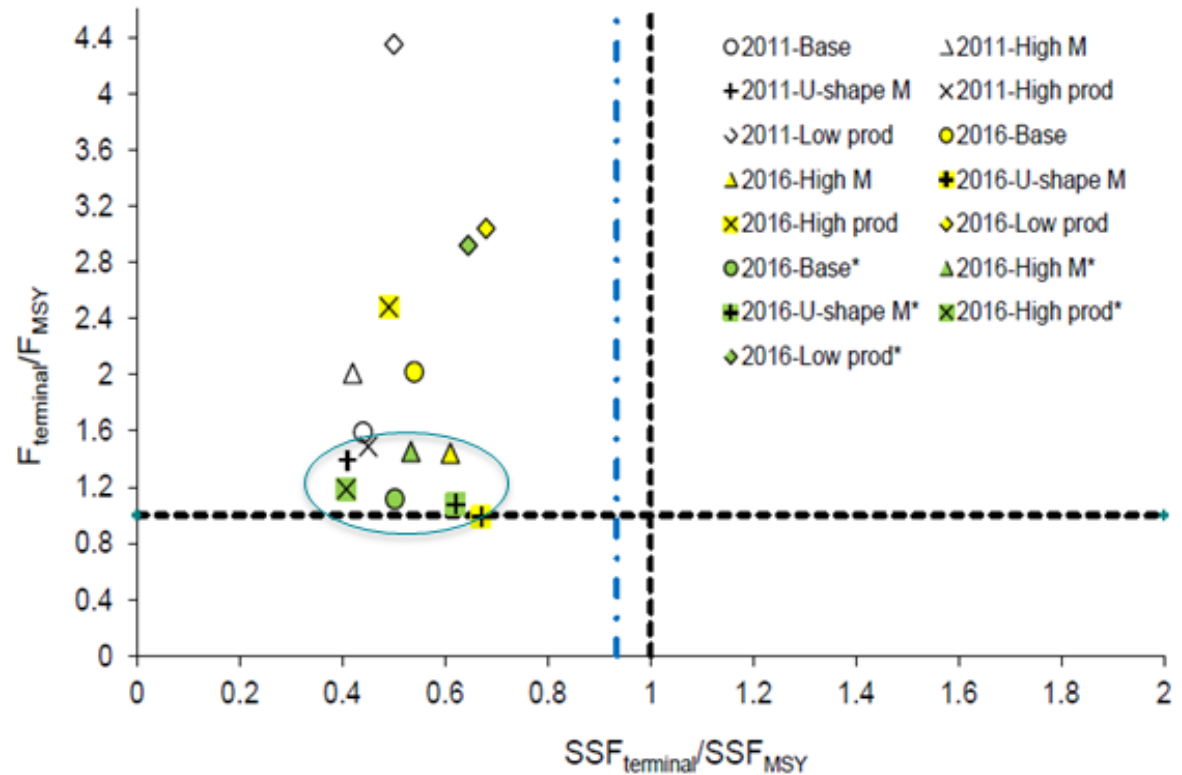


Management History

- 2000: Dusky sharks become a prohibited species
- 2006: First dusky shark assessment – overfished/overfishing
- 2008: Amendment 2 – rebuilding plan established (rebuild by 2108)
- Aug. 2011: SEDAR 21 – still overfished/overfishing
- Nov. 2012: Draft Amendment 5 & Proposed rule - multiple shark species
- April 2013: Notice of Intent for Amendment 5b – dusky shark specific
- March 2014: Amendment 5b Predraft released for comment
- Oct. 2015: Oceana filed complaint regarding dusky shark management
- May 2016: Settlement agreement reached --
 - Submit proposed rule to the Federal Register by 10/14/2016
 - Submit final rule to the Federal Register by 3/31/2017
- Oct. 2016:
 - SEDAR Update and addendum results - still overfished/overfishing
 - Draft Amendment 5b and proposed rule released

SEDAR 21 Update and Addendum

- Status determination published 10/5/2016 (81 FR 69043)
- Still overfished and experiencing overfishing
- Need to reduce fishing mortality by 35%
- Rebuild by 2107



The Preferred Alternatives

- The preferred alternatives should:
 - End overfishing on dusky sharks by reducing fishing mortality levels by at least 35% relative to 2015 levels
 - Ensure that fishing mortality levels on dusky sharks are maintained at or below levels that would result in rebuilding by 2107

Preferred Recreational Alternatives

Alternative A2

Require HMS permit holders fishing for sharks recreationally to obtain a shark endorsement, which requires completion of an online shark identification and fishing regulation training course, plus additional recreational fisheries outreach.

Alternative A6a

Require the use of circle hooks by all HMS permit holders fishing for sharks recreationally and when using natural baits and using wire or heavy (200 lb or greater test) monofilament or fluorocarbon leaders.

Preferred Commercial Alternatives

Alternative B3

Fishermen with an Atlantic shark limited access permit with pelagic longline gear onboard must release all sharks not being retained using a dehooker or cutting the gangion less than three feet from the hook.

Alternative B5

Require completion of a shark identification and fishing regulation training course as a new part of all Safe Handling and Release Workshops for HMS pelagic longline, bottom longline, and shark gillnet vessel owners and operators.

Alternative B6

Increase dusky shark outreach and awareness through development of additional outreach materials, and require HMS pelagic longline, bottom longline, and shark gillnet vessels to abide by a dusky shark fleet communication and relocation protocol.

Alternative B9

Require the use of circle hooks by all HMS directed shark permit holders using bottom longline gear.



Other Recreational Alternatives Considered

- **Alternative A1:** No action. Do not implement management measures to end overfishing and rebuild dusky sharks in the Atlantic recreational shark fishery
- **Alternative A3:** Require HMS permit holders fishing for sharks recreationally to have a NMFS – approved shark identification placard onboard when fishing for and/or retaining sharks
- **Alternative A4:** Prohibit retention of all ridgeback sharks, including oceanic whitetip, tiger, and smoothhound sharks, in the Atlantic recreational shark fishery
- **Alternative A5:** Increase the recreational minimum size to 89 inches fork length for all sharks
- **Alternative A6b:** Require the use of circle hooks by all HMS permit holders with a shark endorsement when fishing for sharks recreationally (when deploying natural bait while using a 5/0 or larger hook size)
- **Alternative A6c:** Require the use of circle hooks by all Atlantic HMS permit holders participating in fishing tournaments when targeting or retaining Atlantic sharks
- **Alternative A7:** Allow only catch and release of all Atlantic sharks by HMS permit holders. Anglers could fish for and target sharks but retention of all recreationally-caught sharks would be prohibited

Other Commercial Alternatives Considered

- **Alternative B1:** No action. Do not implement additional management measures to end overfishing and rebuild dusky sharks in commercial HMS fisheries
- **Alternative B2:** Fishermen with an Atlantic shark limited access permit and pelagic longline gear onboard would be limited to 750 hooks per pelagic longline set and no more than 800 assembled gangions onboard at any time
- **Alternatives B4a-h:** Prohibit the use of pelagic longline gear in HMS fisheries in various hotspot closures – Charleston Bump, Hatteras Shelf, Mid-Atlantic Bight Canyons, Southern Georges Bank
- **Alternative B4i:** Allow conditional access to dusky shark hotspot closure areas for HMS vessels fishing with pelagic longline gear
- **Alternative B4j:** Implement dusky shark bycatch caps in the pelagic longline fishery
- **Alternative B7:** Request that certain states (NJ, DE, MD, VA) and the ASMFC extend the end of existing Mid-Atlantic shark time/area closure from July 15 to July 31
- **Alternative B8:** Close the Atlantic HMS Pelagic Longline Fishery
- **Alternative B10:** Implement Individual Dusky Shark Bycatch Quotas (IDQs) for the commercial pelagic and bottom longline fisheries

Annual Catch Limits (ACLs) & Accountability Measures (AMs)

- Draft Amendment 5b clarifies ACLs and AMs for the 19 prohibited sharks

ACL = 0

Basking	Dusky	Sand Tiger	Sevengill	Bigeye Sand Tiger
Bigeye Thresher	Galapagos	Whale	Sixgill	Bigeye Sixgill
Bignose	Longfin Mako	White	Narrowtooth	Smalltail
Caribbean Reef	Night	Atlantic Angel	Caribbean Sharpnose	

- Small amounts of bycatch are permissible where the ACL is set to zero and the bycatch is small and does not lead to overfishing
- There is a small amount of bycatch and illegal landings of prohibited sharks; this bycatch is not causing overfishing for most species
- For dusky sharks, the small levels of bycatch are causing overfishing
- The measures proposed in Draft Amendment 5b are AMs
- Additional AMs are not needed for dusky sharks and other prohibited sharks

Specific Request for Public Comments

- **Mortality reduction and rebuilding objectives based upon SEDAR 21 update**
- **ACL and AM approach for prohibited sharks**
- **Alternative A2**
 - How can NMFS effectively implement the shark endorsement?
 - Appropriate effective date
 - Implementation strategy
- **Alternatives A6a and A6b**
 - Will the circle hook approach ensure the measure applies to the shark fishery?
 - Should different indicators of the recreational shark fishery be adopted?
 - Are ≥ 200 lb test monofilament or fluorocarbon leaders good indicators?
 - Is 5/0 or greater size hook a good indicator?
- **Paperwork Reduction Act collection of information necessity**

Request for Public Comments

Comment period closes on:

December 22, 2016

Please submit comments to:

<http://www.regulations.gov>

Keyword - “NOAA-NMFS-2013-0070”

Comments can also be submitted via fax: 301-713-1917, Attn: Tobey Curtis

Or Mail: NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910

Please identify comments with NOAA-NMFS-2013-0070

For more information go to: <http://www.nmfs.noaa.gov/sfa/hms/> or contact Tobey Curtis tobey.curtis@noaa.gov or Karyl Brewster-Geisz karyl.brewster-geisz@noaa.gov at (301) 427-8503



Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201
703.842.0740 • 703.842.0741 (fax) • www.asmfc.org

MEMORANDUM

October 18, 2016

To: Coastal Sharks Management Board
From: Tina Berger, Director of Communications
RE: Advisory Panel Nominations

Please find attached a nomination to the Coastal Sharks Advisory Panel – Roger Wolleyhan, a commercial gillnetter/potter from Maryland. Please consider approval of this nomination at next Board meeting.

COASTAL SHARKS ADVISORY PANEL

Bolded names await approval by the Coastal Sharks Management Board

October 18, 2016

New Hampshire

Vacancy - commercial

Rhode Island

Francis W. Blount Jr. (charterboat)

390 Bridgetown Road

Saunderstown, RI 02883

Phone (day): 401.783.4988

Phone (eve): 401.789.2374

FAX: 401.782.8520

Email: francesflt@aol.com

Appt. Confirmed 2/20/06

Appt Reconfirmed 5/10

Stephen C. Segerson (rec)

37 Myrna Road

Warwick, RI 02818

Phone (day): 401.467.3143 ext. 108

Phone (eve): 401.439.5349

FAX: 401.941.2453

Email: ssegerson@etco.com

Appt. Confirmed 2/20/06

Appt Reconfirmed 5/10

New York

Steve Witthuhn (charterboat)

118 Kenneth Ave.

Greenlawn, NY 11740

Tel. 631.368.1315

Appt. Confirmed 2/20/06

Appt Reconfirmed 5/10

New Jersey

Marty Buzas (comm./longline & gillnet)

558 Shunpike Road

Cape May Courthouse, NJ 08210

Phone (day): 609.827.2626

Phone (eve): 609.465.5776

Email: MBEileenB@yahoo.com

Appt. Confirmed 5/19/06

Appt Reconfirmed 5/17/10

Peter Grimбилas (rec/for-hire)

3 Oakwood Court

Towaco, NJ 07082

Phone (day): 973.696.1200

Phone (eve): 973.454.0315

FAX: 973.696.1411

Email: peterg@njoutdooralliance.org

Appt Confirmed 8/3/10

Delaware

Daniel T. Dugan (rec)

20 South Woodward Avenue

Wilmington, DE 19805

Phone: 302.636.9300

Email: dugan@delanet.com

Appt. Confirmed 2/20/06

Appt Reconfirmed 5/10

Maryland

Mark Sampson (for-hire)

10418 Exeter Road

Ocean City, MD 21842

Phone (home): 410.213.2442

Phone (cell): 410.726.7946

SharkQuest2@gmail.com

Appt Confirmed 8/3/10

Roger B. Wooleyhan Jr. (comm gillnet/pots)

25605 Rogers Road

Millsboro, DE 19966

Phone (day): 302.542.3613

Phone (eve): 302.542.9417

FAX: 302.945.65794wooleys@msn.com

Virginia

Ernest L. Bowden Jr. (comm./gillnet)

4219 School Street

Chincoteague, VA 23336

Phone (day): 757.894.1243

Phone (eve): 757.336.5792

Appt. Confirmed 2/20/06

Appt Reconfirmed 5/10

Chair, Lewis Gillingham (rec)

968 South Oreo Drive

Virginia Beach, VA 23451

Phone: 757/491-5160

FAX: 757/491-5172

Email: lewis.gillingham@mrc.virginia.gov

COASTAL SHARKS ADVISORY PANEL

Bolded names await approval by the Coastal Sharks Management Board

October 18, 2016

Appt. Confirmed 3/19/08

North Carolina

Dewey Hemilright (comm./longline & gillnet)
P.O. Box 667
Wanchese NC 27981
Phone: 252.255.5791
Email: fvtarbaby@aol.com
Appt. Confirmed 5/19/06
Appt Reconfirmed 5/10

South Carolina

Terry Annibale (comm)
1511 Holly Drive
North Myrtle Beach, SC 29582
Phone: 843.224.2104
Email: Capt-terry@hotmail.com
Appt Confirmed 8/3/10

Reese (Chip) Michalove (charterboat)
PO Box 6257
Hilton Head Island, SC 29938
Phone: 843.290.0371
Email: outcastfishing@yahoo.com
Appt Confirmed 8/3/10

Georgia

Capt. Greg Hildreth (charterboat/rec)
477 Midway Circle
Brunswick, GA 31523
Phone: 912.261.1763
Email: hildrethcharters@bellsouth.net
Appt. Confirmed 2/20/06
Appt Reconfirmed 5/10

Florida

Russell Howard Hudson (comm. hook &
line/for-hire captain)
1045 West International Speedway Boulevard
Daytona Beach, FL 32114
Phone: 386.239.0948
FAX: 386.253.2843
Email: DSF2009@aol.com
Appt. Confirmed 5/19/06
Appt Reconfirmed 4/22/10

Stephen R. Haigis (rec)
101 Ridge Circle
Fort Pierce, FL 34982
Phone (day): 772.225.1700
Phone (eve): 772.343.7983
FAX: 772.225.2253
Email: shaigis@adelphia.net
Appt. Confirmed 5/19/06
Appt Reconfirmed 4/22/10

Non-Traditional Stakeholders

Sonja Fordham
Shark Advocates International
Rue Franz Merjay, 14
1050 Brussels
Belgium
+32 495 101468
Email: sonja@sharkadvocates.org

OR

The Ocean Foundation
1990 M Street, NW, Suite 250
Washington, DC 20036
Phone: 202.436.1468
Email: sonjaviveka@gmail.com
Appt. Confirmed 5/19/06

Katie Westfall
1875 Connecticut Avenue, NW
Washington, DC 20009
Phone (day): 202.572.3376
Phone (eve): 202.607.6775
kwestfall@edf.org
Appt Confirmed 8/2/16



ATLANTIC STATES MARINE FISHERIES COMMISSION

Advisory Panel Nomination Form

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. **Also, please fill in the sections which pertain to All Nominees (pages 1 and 2).** In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.

Form submitted by: Roger B Wooleyhan Jr State: Maryland Delaware
(your name)

Name of Nominee: Roger B Wooleyhan Jr

Address: 25605 Rogers Rd

City, State, Zip: Millsboro, Delaware 19966

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): 302-542-3613

Phone (evening): 302-542-9417

FAX: 302-945-6579

Email: 4wooleys@msn.com

FOR ALL NOMINEES:

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.

1. ASMFC Coastal Sharks Advisory Panel
2. _____
3. _____
4. _____

2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

yes _____ no X

3. Is the nominee a member of any fishermen's organizations or clubs?

yes _____ no X

If "yes," please list them below by name.

4. What kinds (species) of fish and/or shellfish has the nominee fished for during the past year?

Sharks, Menhaden

Conchs, Butterfish

Monkfish, Skates

Croaker, Spot, Rockfish

Bluefish, Spanish & King Mkrl

Dog Sharks, Smooth & Horn

5. What kinds (species) of fish and/or shellfish has the nominee fished for in the past?

Lobsters, Jonah Crab

Boston, Spanish & King Mkrl

Shad

Bonita

Trout

FOR COMMERCIAL FISHERMEN:

1. How many years has the nominee been the commercial fishing business? 40 years
2. Is the nominee employed only in commercial fishing? yes _____ no X
3. What is the predominant gear type used by the nominee? Gillnets & Pots
4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)? OFFSHORE & INSHORE

FOR CHARTER/HEADBOAT CAPTAINS:

1. How long has the nominee been employed in the charter/headboat business? 40 years
2. Is the nominee employed only in the charter/headboat industry? yes _____ no X
If "no," please list other type(s) of business(es) and/occupation(s): _____

3. How many years has the nominee lived in the home port community? 40 years
If less than five years, please indicate the nominee's previous home port community.

FOR RECREATIONAL FISHERMEN:

1. How long has the nominee engaged in recreational fishing? 40 years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes _____ no _____

If "yes," please explain.

FOR SEAFOOD PROCESSORS & DEALERS:

1. How long has the nominee been employed in the business of seafood processing/dealing? 40 years

2. Is the nominee employed only in the business of seafood processing/dealing?

yes _____ no _____ If "no," please list other type(s) of business(es) and/or occupation(s):

COMMERCIAL FISHERMAN

COMMERCIAL FISHERMAN

COMMERCIAL FISHERMAN

3. How many years has the nominee lived in the home port community? 40 years

If less than five years, please indicate the nominee's previous home port community.

FOR OTHER INTERESTED PARTIES:

1. How long has the nominee been interested in fishing and/or fisheries management? 40 years
2. Is the nominee employed in the fishing business or the field of fisheries management? yes _____ no _____

If "no," please list other type(s) of business(es) and/or occupation(s):

COMMERCIAL FISHERMAN

COMMERCIAL FISHERMAN

FOR ALL NOMINEES:

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Nominee Signature: Roger B. Woolleyhan Jr.
Name: Roger B. Woolleyhan Jr.
(please print)

Date: 9-21-2016

COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)

Don Oly
State Director

State Legislator

Governor's Appointee