

Atlantic States Marine Fisheries Commission

DRAFT ADDENDUM IV TO THE COASTAL SHARKS INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT



ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries

The Atlantic States Marine Fisheries Commission Seeks Your Input on Coastal Sharks Management

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5 p.m. on July 11, 2016**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction.
2. Refer comments to your state's members on the Coastal Sharks Management Board or Coastal Sharks Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

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Fax: (703) 842-0741
aharp@asmfc.org (subject line: Draft Addendum IV)

If you have any questions please call Ashton Harp at 703.842.0740.

Commission's Process and Timeline

February 2016	Coastal Sharks Board Tasks PDT to Develop Draft Addendum IV
Feb-May 2016	PDT Develops Draft Addendum IV for Public Comment
May 2016	Coastal Sharks Board Reviews Draft Addendum IV and Considers Its Approval for Public Comment
June-July 2016	Board Solicits Public Comment and States Conduct Public Hearings
August 2016	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum IV
TBD	Provisions of Addendum IV are Implemented

1. Introduction

Atlantic shark fisheries from Maine through the east coast of Florida are currently managed through complementary fishery management plans by the Atlantic States Marine Fisheries Commission (ASMFC) and NOAA Fisheries Highly Migratory Species (HMS) Management Division. ASMFC coordinates interstate management of Atlantic sharks in state waters (0-3 miles) via the 2008 Coastal Sharks Interstate Fishery Management Plan (FMP) and Addenda I-III. Management authority in the exclusive economic zone (3-200 miles from shore) lies with NOAA Fisheries via the 2006 Consolidated Atlantic HMS FMP and Amendments.

The smoothhound shark complex is one of several shark species groupings managed in state and federal waters; it includes two species: smooth dogfish (*Mustelus canis*) and Florida smoothhound (*Mustelus norrisi*). The latter is not considered in this document; the focus of Draft Addendum IV is on smooth dogfish, specifically.

As allowed under current regulations, commercial fishermen can land smooth dogfish carcasses with corresponding fins removed from the carcass. Draft Addendum IV proposes to amend the Coastal Sharks FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch, by weight, is composed of at least 25 percent smooth dogfish. If approved, fishermen could retain smooth dogfish in an amount less than 25 percent of the total catch provided the smooth dogfish fins remain naturally attached to the carcass. Additionally, fishermen could retain other sharks on board regardless of the percent catch composition of smooth dogfish, the fins of other shark species must remain naturally attached to the carcass through landing.

2. Statement of the Problem

The purpose of the Draft Addendum is to maintain consistency between federal and state FMPs, where possible, and to better incorporate the intent of the smooth dogfish exemption in the Shark Conservation Act of 2010 (SCA) into state regulations. In November 2015, NOAA Fisheries published the final rule for Amendment 9 to the 2006 Consolidated Atlantic HMS FMP which brought smoothhound sharks under federal management effective March 15, 2016. In addition to other management measures, Amendment 9 established a catch composition requirement in order to remove smooth dogfish fins at sea. In February 2016, the Coastal Sharks Management Board initiated a Draft Addendum to consider establishing the federal catch composition requirement in state waters for removal of smooth dogfish fins while at sea.

3. Background

3.1 Prior Federal and State Regulations

The Shark Finning Prohibition Act of 2000 prohibits shark finning—the removal of shark fins and disposal of shark carcasses at sea—within United States waters. Thus, shark fins and carcasses must be landed together. This requirement was included in the Coastal Sharks FMP, remains in effect, and is not the focus of this addendum.

The SCA requires all sharks in the United States to be landed with their fins naturally attached to the carcass but includes a limited exception for smooth dogfish. The exception allows fishermen engaged in commercial fishing for smooth dogfish to remove the fins of smooth dogfish if the following minimum requirements are met: possess a valid state commercial fishing license, are fishing within 50 nautical miles from the baseline of an Atlantic state (Maine through Florida), and the total weight of smooth dogfish fins landed cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses. To complement the federal FMP and the SCA, these provisions were included in the Coastal Sharks FMP via Addendum II in 2013.

3.2 Consideration of a Smooth Dogfish Catch Composition in State Waters

This addendum and NOAA Fisheries Amendment 9 provide an analysis of vessel trip report (VTR) data. The available VTR data captures gear and landings data on fishermen with a federal Northeast Region permit¹ from 2003-2014. Given commercial fishermen with only a state fishing license (i.e. non-federally permitted vessels) are not required to submit a vessel trip report it is not possible to separate smooth dogfish harvest in state versus federal waters. As a result, south Atlantic fishermen² or fishermen not holding a Northeast permit may not be captured in this VTR analysis.

NOAA Fisheries Amendment 9 brings smoothhound sharks under federal management and implements the smooth dogfish-specific provisions in the SCA. The SCA specifies the exception for smooth dogfish to have their fins removed at sea applies when “an individual is engaged in commercial fishing for smooth dogfish,” as opposed to fishing for other species or when fishing and incidentally catching smooth dogfish. In Amendment 9, NOAA Fisheries interprets the phrase “commercial fishing for smooth dogfish” to mean a trip where smooth dogfish comprise at least 25 percent of the total retained catch.

NOAA Fisheries selected 25 percent in response to public comments during the rulemaking process and landings data indicating the mixed nature of the fishery. Sink

¹ Prior to 2016, smooth dogfish were not managed in federal waters. Therefore a federal directed shark limited access permit was not required. As a result of NOAA Fisheries Amendment 9, a federal smoothhound commercial permit was developed and is now a requirement in order to harvest smooth dogfish in federal waters.

² North Carolina is separated by management areas north and south of Cape Hatteras, creating a split in the smooth dogfish fishery between the state waters and the federal Northeast and Southeast regions.

gillnet gear, the predominant gear used in the directed smooth dogfish fishery (Figure 1), often catch other species such as bluefish, croaker and spiny dogfish (Figure 2). Therefore, it was determined that a retained catch composition of at least 25 percent smooth dogfish is an indication that effort was directed on the species.

The 25 percent catch composition requirement was implemented in federal waters (effective March 15, 2016) and is presented in this document as an option for state waters.

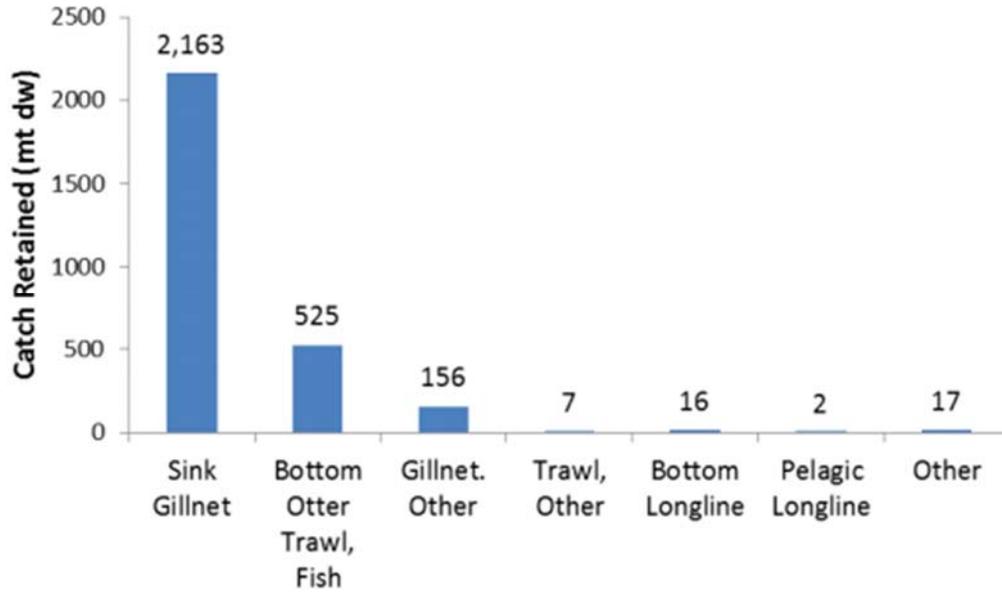


Figure 1. Smooth Dogfish Landings by Gear Type (2003-2014);
Source: Vessel Trip Report (VTR) data, 2003-2014 (NMFS 2015b)

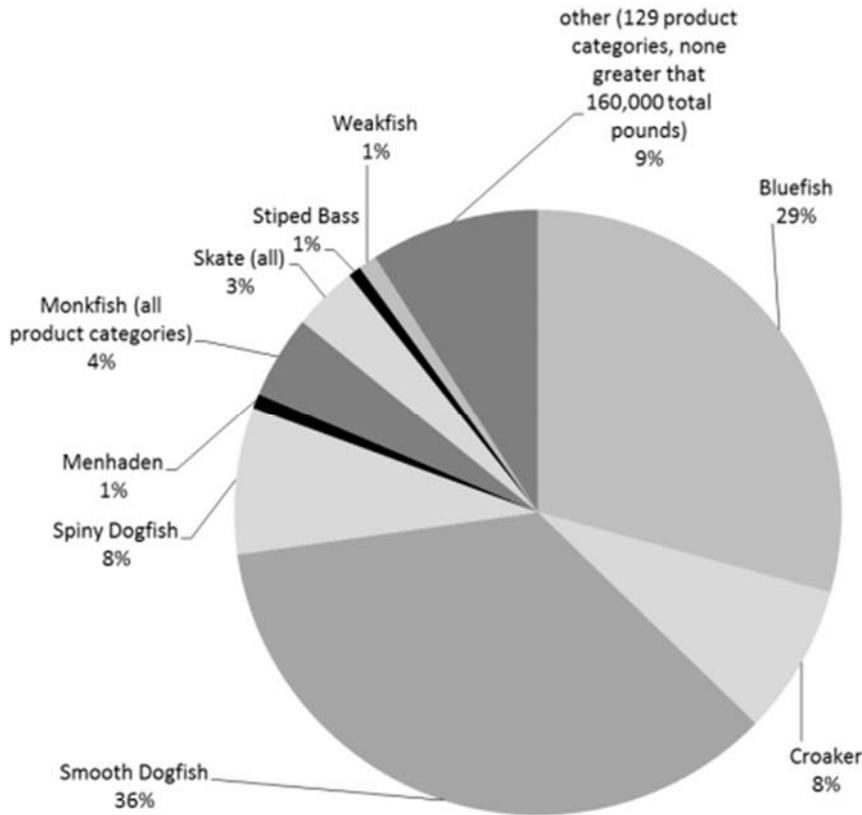


Figure 2. Species caught with smooth dogfish in sink gillnet gear, relative levels;
Source: VTR data, 2003-2014 (NMFS 2015b)

On average, almost half of the reported trips that landed smooth dogfish in sink gillnet gear between 2003 and 2014 would be considered a ‘directed’ smooth dogfish fishing trip, meaning the retained catch on these trips was comprised of at least 25 percent smooth dogfish (Table 1).

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Number of trips	590	633	548	677	626	550	878	1,184	1,207	1,237	1,282	1,295
Number of trips that landed ≥ 25 % smooth dogfish	315	364	229	202	264	256	447	710	647	629	606	582
Percentage of trips that landed ≥ 25 % smooth dogfish	53%	58%	42%	30%	42%	47%	51%	60%	54%	51%	47%	45%

Table 1. Number and percentage of trips landing smooth dogfish in sink gillnet gear, by year; Source: VTR data, 2003-2014 (NMFS 2015b)

When analyzing sink gillnet trips and landings together the data indicated the majority (81%) of smooth dogfish landings came from trips with a high catch composition (i.e. at least 75% smooth dogfish were retained, Figure 3).

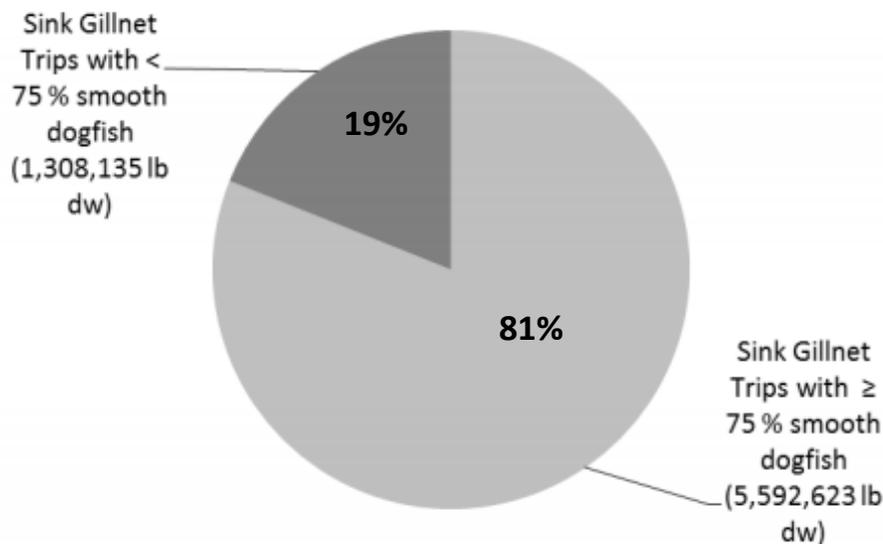


Figure 3. Proportion of smooth dogfish landings from trips using sink gillnets where the percent of the catch retained was greater than or less than 75 percent smooth dogfish; Source: VTR Data, 2003-2014 (NMFS 2015b)

Fishery Considerations

Based on the VTR analysis, the majority of landings were caught on trips that retained at least 75 percent smooth dogfish (Figure 3). In addition, almost half of the trips that landed smooth dogfish in sink gillnet gear would be considered a 'directed' smooth dogfish trip (Table 1). Therefore, a 25 percent catch composition is unlikely to change fishing effort to a great extent. As such, landings would likely remain near pre-SCA levels.

Enforcement Considerations

Allowing the removal of smooth dogfish fins at sea should not raise enforcement concerns or impact the conservation of non-smooth dogfish sharks because smooth dogfish carcasses can be easily identified from other shark carcasses by the presence of a pre-dorsal ridge, and by the lack of fin spines and dorsal spots. While other "ridgeback sharks" have an interdorsal ridge, smooth dogfish are the only shark species in the Atlantic that have a pre-dorsal ridge (Figure 4).

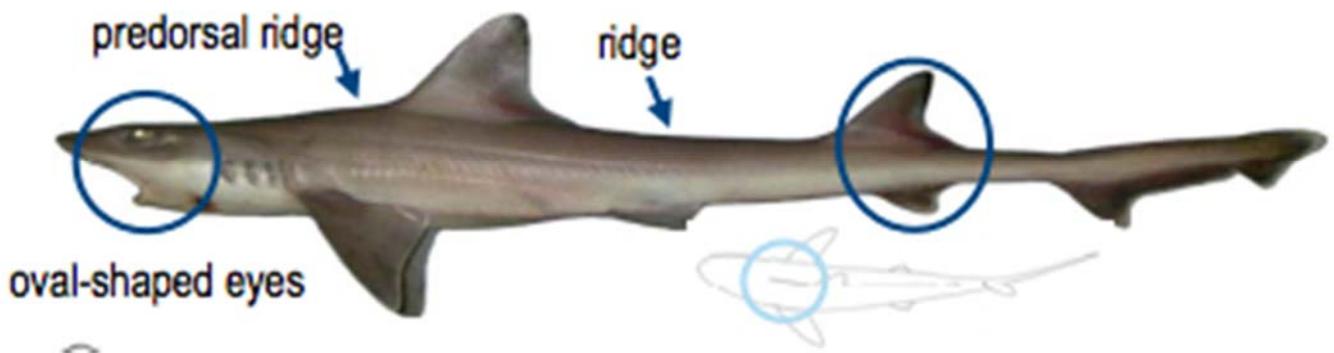


Figure 4. Distinctive Characteristics on a Smooth Dogfish Shark

4. Management Program Options

The Coastal Sharks Management Board is considering two catch composition options to amend the FMP. Option A would retain the current language used to manage the smooth dogfish fishery (*i.e.*, no catch composition requirement); in this case the state and federal FMPs would not be consistent on this issue. Option B would implement the catch composition requirement in state waters to complement the requirement in the federal FMP.

The SCA exemption is specific to smooth dogfish, therefore all smoothhound processing at sea references in Addendum II will be replaced with smooth dogfish.

Option A: Status Quo

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and fins of smooth dogfish while at sea in accordance with *Section 3.5* of Addendum II to the Coastal Sharks Interstate FMP, which stipulates “commercial fishermen may remove all smoothhound shark fins year round.”

Option B: Establish a Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea

The following text will be added to Addendum II, Section 3.5 Smooth Dogfish Shark Commercial Processing at Sea

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and all shark fins of smooth dogfish (*Mustelus canis*) while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading, as described in *Section 4.3.11* of the Coastal Sharks FMP.

5. Compliance

States must implement Addendum IV according to the following schedule to be in compliance with the Coastal Sharks FMP: TBD

6. Literature Cited

NMFS. 2015a. Final Rule implementing Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: <https://www.federalregister.gov/articles/2015/11/24/2015-29516/atlantic-highly-migratory-species-smoothhound-shark-and-atlantic-shark-management-measures>

NMFS. 2015b. Final Environmental Assessment for Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9_final_ea.pdf

Shark Conservation Act of 2010, Pub. L. No. 111-348, 124 Stat. 3668. 2010. Retrieved from <https://www.congress.gov/111/plaws/publ348/PLAW-111publ348.pdf>