

Atlantic States Marine Fisheries Commission

**ADDENDUM I TO THE INTERSTATE FISHERY MANAGEMENT
PLAN FOR ATLANTIC COASTAL SHARKS**



*ASMFC Vision Statement:
Healthy, self-sustaining populations for all Atlantic coast fish species or successful
restoration well in progress by the year 2015*

September 2009

1.0 Introduction

This Addendum modifies the Interstate Fishery Management Plan for Atlantic Coastal Sharks (FMP) to allow commercial fishermen limited processing of smooth dogfish at sea and removes recreational possession limits for smooth dogfish, as well as the 2 hour net check requirement for commercial fishermen using large mesh gillnets.

Currently, smooth dogfish are not managed in federal waters by the National Marine Fisheries Service (NMFS). However, The Shark Finning Prohibition Act of 2000 prohibits finning (the act of cutting off the fins and discarding the body at sea) of smooth dogfish and other sharks in the economic zone (EEZ). This Act also requires that the total wet weight of the shark fins cannot exceed 5 percent of the total dressed weight of shark carcasses found on board a vessel.

Smooth dogfish is included as one of the 40 species managed in the Commission's FMP. All regulations in the FMP apply to smooth dogfish except where an exemption is specifically listed (i.e. recreational possession limits, quota specification, etc.). A list of all regulations that apply to smooth dogfish can be found in the Appendix of this Addendum. In the absence of a stock assessment, the Board has not set a commercial quota or possession limits for smooth dogfish.

The FMP established recreational possession limits for smooth dogfish in *Section 4.2.7.1 Recreational Shore-Angler Possession Limits* and *4.2.7.2 Recreational Vessel-Fishing Possession Limits* of the FMP. These measures restricted shore anglers to a maximum of 2 smooth dogfish per calendar day and vessels to 1 smooth dogfish and 1 smooth dogfish per angler onboard the vessel. These possession limits were established based on recreational possession limits for Atlantic sharpnose which have a similar life history to smooth dogfish.

Section 4.3.10 Bycatch Reduction Measures of the FMP required fishermen using large mesh (> 5") gillnets to check their nets every 2 hours. This provision was implemented by the NMFS in federal waters to reduce gillnet interactions off the coasts of Georgia and Florida. It was included in the FMP to achieve complementary regulations in state and federal waters. Gillnets are currently prohibited in state waters of Georgia and Florida.

2.0 Management Program

2.1 Statement of the Problem

This Addendum modifies the FMP to allow limited smooth dogfish processing at sea, remove smooth dogfish recreational possession limits, and remove gillnet check requirements.

Smooth dogfish processing at sea.

The FMP requirement to leave smooth dogfish fins attached to the carcass through landing would have significantly impacted an entire fishery. There are only a handful of fishermen who participate in the large scale directed commercial fishery for smooth dogfish, but this fishery comprises a significant part of their annual income. The seasonal processing allowance (*Section 2.3.1*) will allow these fishermen to continue their operations without undermining the conservation goal of the FMP.

Section 4.3.1.1 Finning and Identification of the FMP requires that all sharks harvested by commercial fishermen within state waters have the tail and fins attached naturally to the carcass through landing. This rule was adopted to protect species in the large coastal (LCS), research, pelagic, and prohibited species groups that have been the target of illegal finning activities because their fins can bring several hundred dollars per pound. For these species, the consequences for finning relative to the financial incentive are not sufficient to deter finning. The directed commercial LCS fishery is mixed, with fishermen landing several species in each trip. Keeping the fins attached helps law enforcement with identification and anti-finning efforts. It was deemed necessary due to the mixed species nature of this fishery and high value of the fins. In addition, commercial fishermen may only land a maximum of 33 LCS and cutting the fins partway on a small number of sharks is only a small burden compared to the benefits of leaving the fins attached.

The smooth dogfish commercial fishery is vastly different from the commercial fisheries for other species managed in the FMP. This fishery is concentrated off the coast of Virginia and North Carolina, is not mixed, and lands thousands of pounds of smooth dogfish exclusively. Unlike other shark species, smooth dogfish are valued for their meat which is often exported to Europe. Smooth dogfish fins are currently worth around \$2.50 per pound with a meat value of around \$0.70 per pound. The different nature of this fishery makes finning unlikely due to the risk of large fines and/or loss of license compared with the small value of the fins.

Recreational smooth dogfish possession limits.

In the absence of a smooth dogfish assessment or other metric which indicates that recreational possession limits are necessary for a sustainable smooth dogfish fishery, limiting recreational possession is unnecessary. Currently there are no possession limits in the commercial fishery and limiting only the recreational fishery without evidence that doing so is necessary to sustain the stock may be unfair to recreational fishermen.

2-hour large-mesh gillnet checks.

Addendum I removes this provision because it is extremely difficult to enforce and impacts fishermen in other fisheries who may catch an occasional coastal shark.

Commercial fishermen targeting king mackerel and bluefish often set large-mesh gillnets overnight and may incidentally catch a small number of sharks. The Commission's Law Enforcement Committee (LEC) reported that requiring 2-hour net checks force these gillnetters to either discard any sharks they incidentally catch, or tend their nets overnight. Fishermen are unlikely to tend nets overnight to keep a handful of sharks because the value of the sharks does not exceed the cost of operating the boat overnight. Staying with a net overnight is also dangerous to fishermen if shrimp trawlers are working the area. These fishermen are more likely to simply discard any sharks that they incidentally catch rather than comply with this regulation. The net check requirement would likely result in discarding of sharks that are incidentally caught in other gillnet fisheries.

The LEC also considers the 2-hour net check requirement to be resource prohibitive to enforce. In order to effectively monitor a fishing vessel, an officer has to sit and watch it for 2 hours

straight and may need to videotape the incident to effectively prosecute the fishermen in the court of law. It is likely that the fisherman would see the officer and alter their behavior to comply with all regulations. In addition, natural resource enforcement often lacks a sufficient number of officers necessary to enforce all laws and regulations. Asking an officer to stand by and watch a single vessel for 2 hours is an inefficient use of their time.

2.2 Background of Smooth Dogfish Fishery

The smooth dogfish fishery is largely commercial with recreational landings averaging 9.4% of overall harvest over the last decade (Table 1). The commercial smooth dogfish fishery is high volume, labor intensive, and requires a very fresh product. Vessels need a large crew to cut the fins as soon as the sharks are on deck and must immediately place the carcass into the refrigeration system to keep the meat from spoiling. Fish that die in the nets are too poor of quality to sell. The majority of commercially caught smooth dogfish are exported.

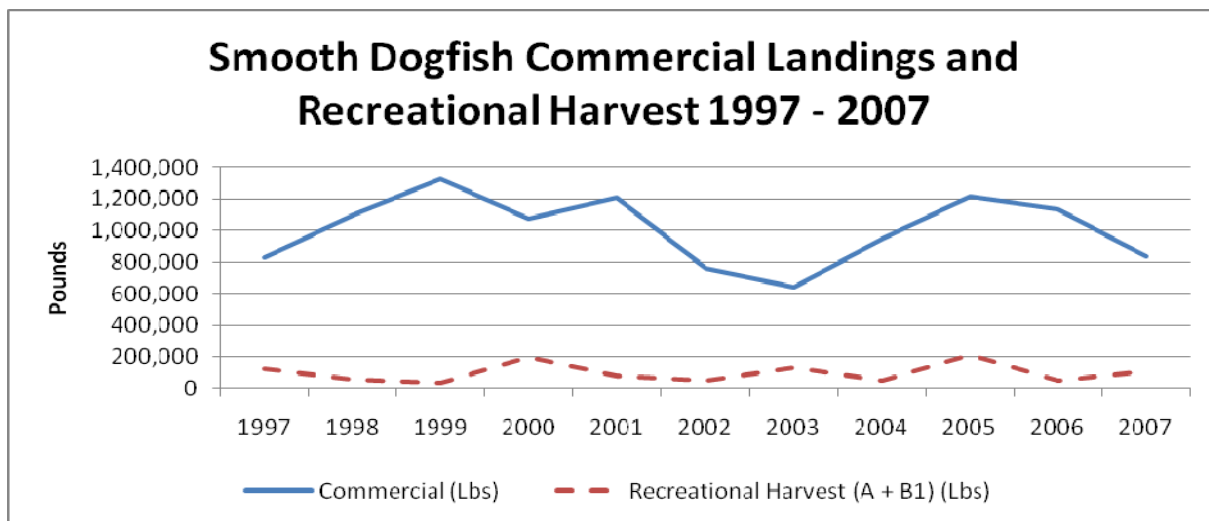


Figure 1. Commercial Landings and Recreational (A + B1) Harvest 1997 – 2007. Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, Silver Spring, MD

Table 1. Percent harvest for each sector of the smooth dogfish fishery 1981 - 2007. Commercial harvest is based on landings and recreational harvest includes A + B1 fish. Source: Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, Silver Spring, MD.

	% Commercial	% Recreational
1981	0.3%	99.7%
1982	9.8%	90.2%
1983	3.3%	96.7%
1984	0.2%	99.8%
1985	1.5%	98.5%
1986	1.2%	98.8%
1987	9.6%	90.4%
1988	0.5%	99.5%
1989	0.0%	100.0%
1990	70.3%	29.7%
1991	74.8%	25.2%
1992	87.7%	12.3%
1993	69.8%	30.2%
1994	98.7%	1.3%
1995	92.9%	7.1%
1996	90.6%	9.4%
1997	86.7%	13.3%
1998	94.9%	5.1%
1999	97.3%	2.7%
2000	84.4%	15.6%
2001	93.7%	6.3%
2002	93.8%	6.2%
2003	82.7%	17.3%
2004	94.5%	5.5%
2005	84.9%	15.1%
2006	95.5%	4.5%
2007	88.2%	11.8%

An analysis performed by the North Carolina Department of Environment and Natural Resources using Trip Ticket data from 2004 - 2007 showed that landings of sandbar sharks in the targeted smooth dogfish fishery does not occur (Figure 2). Smooth dogfish landings are concentrated during the months of March and April while sandbar landings are nonexistent during those months.

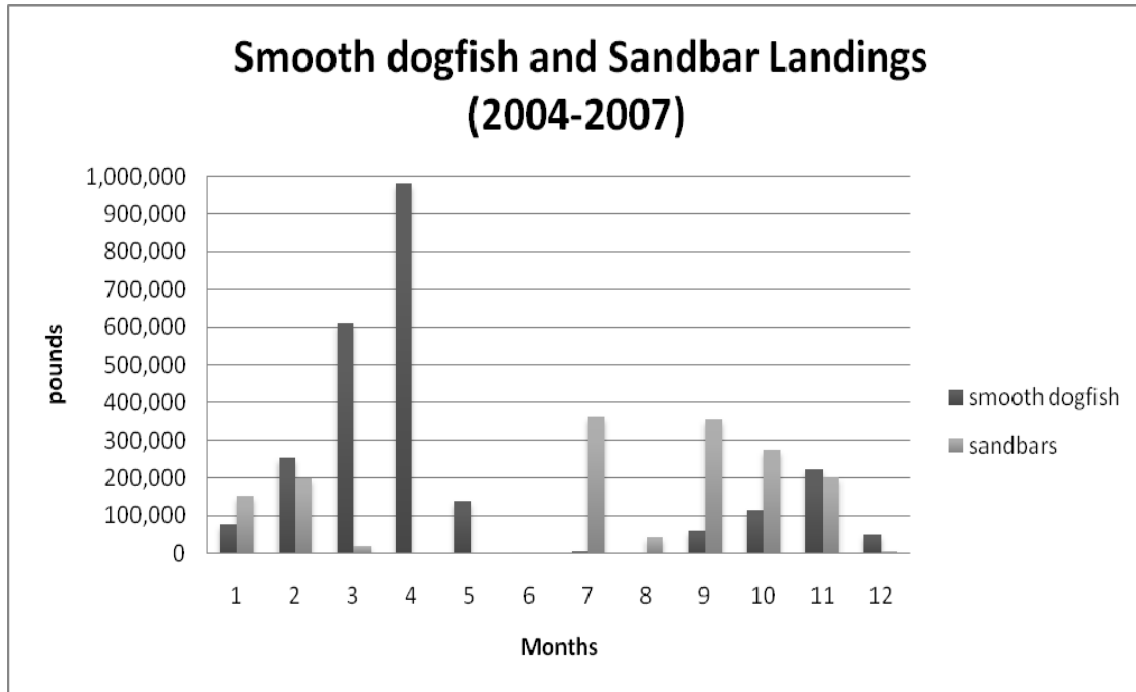


Figure 2. Monthly landings from all the commercial gears used to land smooth dogfish and sandbar sharks in NC from 2004 to 2007. Data source: NCDMF Trip Ticket Program.

2.3 Management Measures

2.3.1 Smooth Dogfish Processing at Sea

This Addendum replaces *Section 4.3.1.1 Finning and Identification* of the FMP with the following language, which grants commercial fishermen a limited exemption from the fins attached rule for smooth dogfish only.

4.3.1.1 Finning and Identification

All sharks, with the exception of smooth dogfish, harvested by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass through landing. 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. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.

Commercial fishermen may completely remove the fins of smooth dogfish from March through June¹ of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5

¹ Sandbar sharks are generally not landed during these months. See section 2.1.2 and Table 2 for more information.

percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel. This ratio is consistent with the Shark Finning Prohibition Act of 2000.

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 must keep the dorsal fin attached naturally to the carcass through landing². 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. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses landed or found on board a vessel.

2.3.2 Smooth Dogfish Recreational Possession Limits

This Addendum replaces *Section 4.2.7.1 Recreational Shore-Angler Possession Limits* and *4.2.7.2 Recreational Vessel-Fishing Possession Limits* of the FMP with the following language, which removes all recreational possession limits for smooth dogfish.

4.2.7.1 Recreational Shore-Angler Possession Limits

Shore fishing is defined as any fishing that does not take place on board a vessel. The terms ‘shore-fishermen’ and ‘shore-angler’ are synonymous, describing any person engaged in shore fishing.

Each recreational shore-angler is allowed a maximum harvest of one shark from the federal recreationally permitted species (*Section 4.2.2, Table 4.2*), per calendar day. In addition, each recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. Smooth dogfish harvest is not limited in state waters and recreational shore-anglers may harvest an unlimited amount of smooth dogfish.

Sharks that are transported by a vessel are considered ‘boat assisted’ and are regulated under the more restrictive vessel-fishing possession limits regardless of where they were caught.

4.2.7.2 Recreational Vessel-Fishing Possession Limits

Vessel fishing is defined as any fishing conducted from a vessel. The word “vessel” includes every description of watercraft used or capable of being used as a means of transportation on water except for non-displacement craft and seaplanes.

Recreational fishing vessels are allowed a maximum harvest of one shark from the federal recreationally permitted species (*Section 4.2.2, Table 4.2*) per trip, regardless of the number of people on board the vessel. In addition, each recreational angler fishing from a vessel may harvest one bonnethead and one Atlantic sharpnose per trip. Smooth dogfish harvest is not

² Historically, both sandbar and smooth dogfish have been landed during these months. During the development of this addendum, concern was raised that juvenile sandbars can be confused with smooth dogfish and allowing removal of all fins could open enforcement loopholes. The Technical Committee strongly supported requiring the dorsal fin to remain attached because doing so makes identification quick and accurate, and is necessary with a high volume fishery.

limited in state waters and recreational vessel-fishermen may harvest an unlimited amount of smooth dogfish.

Sharks that are transported by a vessel are considered ‘boat assisted’, and are regulated under the more restrictive vessel-fishing possession limits regardless of where they were caught.

2.3.4 Bycatch Reduction Measures

This Addendum strikes the following language from *Section 4.3.10 Bycatch Reduction Measures* of the FMP, to remove the 2-hour net check requirement for commercial fishermen using large mesh gillnets.

Large-mesh gillnets (defined as having a stretch mesh size greater than or equal to 5 inches) must be shorter than 2.5 kilometers ~~and nets must be checked every two hours.~~

3.0 Compliance Schedule

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

January 1, 2010: States implement regulations.

Appendix A: Smooth dogfish management measures from FMP

Recreational Fisheries Management Measures (4.2)

Landings Requirements (4.2.3)

All sharks caught by recreational fishermen must have heads, tails, and fins attached naturally to the carcass. Anglers may still gut and bleed the carcass by making an incision at the base of the caudal peduncle as long as the tail is not removed. Filleting sharks at sea is prohibited.

Recreational Minimum Size Limits (4.2.4)

Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet (54 inches) *with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.*

Authorized Recreational Gear (4.2.5)

Recreational anglers may catch sharks only using a handline or rod & reel. Handlines are defined as a mainline to which no more than two gangions or hooks are attached. A handline must be retrieved by hand, not by mechanical means.

Recreational Fishing License (4.2.6)

States are encouraged, but not required, to adopt a marine fishing license to collect, among other things, recreational data on sharks.

Recreational Possession Limits (4.2.7)

This FMP establishes different possession limits for shore-anglers and vessel-fishermen. When aboard a vessel, anglers are bound by the more restrictive vessel-fishing possession limits, regardless of the location where the sharks were caught.

Recreational Shore-Angler Possession Limits (4.2.7.1)

Shore fishing is defined as any fishing that does not take place on board a vessel. The terms ‘shore-fishermen’ and ‘shore-angler’ are synonymous, describing any person engaged in shore fishing.

Each recreational shore-angler is allowed a maximum harvest of one shark from the federal recreationally permitted species (*Section 4.2.2*), including smooth dogfish, per calendar day. In addition, each recreational shore angler may harvest one additional bonnethead, and one additional Atlantic sharpnose, and one additional smooth dogfish per calendar day.

Sharks that are transported by a vessel are considered ‘boat assisted’ and are regulated under the more restrictive vessel-fishing possession limits regardless of where they were caught.

Recreational Vessel-Fishing Possession Limits (4.2.7.2)

Vessel fishing is defined as any fishing conducted from a vessel. The word “vessel” includes every description of watercraft used or capable of being used as a means of transportation on water except for non-displacement craft and seaplanes.

Recreational fishing vessels are allowed a maximum harvest of one shark from the federal recreationally permitted species (*Section 4.2.2*), including smooth dogfish, per trip, regardless of

the number of people on board the vessel. In addition, each recreational angler fishing from a vessel may harvest one bonnethead, and one Atlantic sharpnose, and one smooth dogfish per trip.

Sharks that are transported by a vessel are considered ‘boat assisted’, and are regulated under the more restrictive vessel-fishing possession limits regardless of where they were caught

Commercial Fisheries Management Measures (4.3)

Commercial Fishing Year (4.3.1)

The commercial shark fishery shall operate on a January 1 – December 31 fishing year. All annual fishery specifications begin on January 1 of each fishing year.

Commercial Species Groupings (4.3.3)

This FMP establishes six commercial ‘species groups’ for management: Prohibited, Research, Smooth Dogfish, Small Coastal (SCS), Non-Sandbar Large Coastal (LCS), and Pelagic. These groupings apply to all commercial shark fisheries in state waters.

Smooth Dogfish, Small Coastal, Non-Sandbar Large Coastal, and Pelagic Species Groups (4.3.3.2)

Commercial fishermen may harvest any sharks in the Smooth Dogfish, Small Coastal, Non-Sandbar Large Coastal, and Pelagic Species Groups as long as they are in compliance with all rules and regulations contained in this plan.

The Smooth Dogfish Species Group consists of smooth dogfish sharks.

The Small Coastal Sharks Species Group consists of Atlantic sharpnose, finetooth, blacknose, and bonnethead sharks.

The Non-Sandbar Large Coastal Sharks Species Group consists of silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead sharks.

The Pelagic Species Group consists of shortfin mako, porbeagle, common thresher, oceanic whitetip, and blue sharks.

Quota Specification (4.3.4)

The Spiny Dogfish & Coastal Sharks Board will not actively set quotas for any species contained in the SCS, Non-Sandbar LCS, or Pelagic species groups but will close the fishery for any species in these groups when NOAA Fisheries closes the fishery in federal waters. When NOAA Fisheries closes the fishery for any species, the commercial landing, harvest, and possession of that species will be prohibited in state waters until NOAA Fisheries reopens the fishery. Upon receiving notification of a federal quota, the FMP Coordinator for Coastal Sharks will notify ASMFC states about which species can no longer be harvested. The state waters fishery will reopen only when NOAA Fisheries reopens the fishery for that species or species group in federal waters.

The Board has the authority but is not required to set an annual quota for smooth dogfish as it finds appropriate (*Section 4.3.7*). In the event that an annual smooth dogfish quota is set, and when an annual quota is harvested or projected to be harvested, the commercial landing, harvest, and possession of smooth dogfish will be prohibited in state waters.

Seasons (*4.3.5*)

The Board is not required, but has the option, to split the annual quota among seasonal periods for all groups.

Possession Limits (*4.3.6*)

Possession limits for commercial shark fisheries will be set annually through the specification setting process described in *Section 4.3.7*. The Board may use number of fish or weight to set the possession limit. Vessels are prohibited from landing more than the specified amount in one twenty-four hour period.

Display and Research Permit holders may be exempt from possession limits restrictions (*Section 4.3.8.2*) depending on their permit agreement.

Annual Process for Setting Fishery Specifications (*4.3.7*)

The Spiny Dogfish & Coastal Sharks Management Board may set a quota for the Smooth Dogfish species group; and possession limits for the Smooth Dogfish, Small Coastal, Non-Sandbar Large Coastal, and Pelagic species groups as follows.

The Coastal Sharks Technical Committee (TC) will annually review the best available data, and based on this review, will make quota and possession limit recommendations to the Board. Specifically, the TC must recommend a quota for the Smooth Dogfish Species Group and possession limits for the Smooth Dogfish, SCS, Non-Sandbar LCS, and Pelagic Species Groups. The TC may recommend not setting a quota for Smooth Dogfish or trip limits for any species group as they find appropriate. The Coastal Sharks TC's recommendations will be forwarded to the Board for final approval.

The Board will consider the TC's recommendations and determine the quota and possession limits for the following year. The Board has the option, but is not required, to set a quota and trip limits as it finds appropriate.

In addition, the Board has the option, but is not required to set the specifications for up to 5 years. Multi-year specifications may be useful for fishing industries to set long term business strategies. Specifications do not have to be constant from year to year, but instead are based upon expectations of future stock conditions as indicated by the best available scientific information during the year in which specifications are set. Under this management program, if a multi-year commercial quota and/or possession limit is implemented, annual review of updated information on the fishery and stock conditions by the Technical Committee and Management Board is required. As part of the annual review process, the specified management measures will be evaluated based upon updated scientific information of stock conditions. If scientific review finds that no adjustment to the subsequent year's specifications is needed, then the existing management measures will be considered adequate and implemented the following year. If,

however, updates to stock conditions determine that specified measures should be modified, then the Spiny Dogfish & Coastal Sharks Board will be presented with this information and a new specification setting process will be initiated.

All specifications shall remain in place until changed by the Spiny Dogfish & Coastal Sharks Management Board. All states must implement measures contained in the final decision made by the Board.

In summary, the steps for setting fishery specifications are:

1. The Technical Committee reviews the most recent stock status data and makes fishery specification recommendations to the Management Board.
2. The Board considers the recommendations of the Technical Committee and establishes fishery specifications.

Permit Requirements (4.3.8)

Fishermen are required to hold the following permits in order to harvest more and/or different species than the recreational regulations contained in this FMP allow.

Commercial Permit (4.3.8.1)

Commercial shark fishermen must hold a state commercial license or permit in order to commercially catch and sell sharks in state waters. This requirement does not require that states establish a new “shark” permit or license.

Display and Research Permits (4.3.8.2)

States may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions, and prohibited species restrictions contained in this plan through a state display or research permit system. Exemptions may only be granted for display and/or research purposes. States must report weight, species, location caught, and gear used for each shark collected for research or display as part of their annual compliance report. States are required to include annual information for all sharks taken for display throughout the life of the shark. These reporting requirements are necessary to ensure that sharks taken under the auspice of ‘display’ are not sold in illegal markets.

Dealer Permit (4.3.8.3)

A federal Commercial Shark Dealer Permit is required to buy and sell any shark caught in state waters.

Authorized Commercial Gear (4.3.9)

Commercial fishermen can only use one of the following gear types (and are prohibited from using any gear type not listed below) to catch sharks in state waters. Fishermen with a federal shark permit who are fishing outside of state waters are not restricted to these gear types and may land sharks using any gear that is in accordance with the rules and regulations established by NOAA Fisheries.

The following gear types are *the only* gear authorized for use by commercial fishermen to catch sharks in state waters:

- **Rod & reel**
- **Handlines.** Handlines are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel.
- **Small Mesh Gillnets.** Defined as having a stretch mesh size smaller than 5 inches
- **Large Mesh Gillnets.** Defined as having a stretch mesh size equal to or greater than 5 inches.
- **Trawl nets.**
- **Shortlines.** 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.
- **Pound nets/fish traps.**
- **Weirs.**

Bycatch Reduction Measures (4.3.10)

Vessels using shortlines and large-mesh gillnets to catch sharks must abide by the following regulations. Any vessels that employ these gear types and do not follow the bycatch reduction measures may not land or sell any sharks.

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.

Large-mesh gillnets (defined as having a stretch mesh size greater than or equal to 5 inches) must be shorter than 2.5 kilometers and nets must be checked once every two hours.

Finning and Identification (4.3.11)

All sharks harvested by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass through landing. 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. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.