

Atlantic States Marine Fisheries Commission

Coastal Sharks Technical Committee

REVIEW OF MASSACHUSETTS *DE MINIMIS* PROPOSAL AND RECOMMENDATIONS FOR 2011 COASTAL SHARKS SPECIFICATIONS

October 3, 2011

Present: Greg Skomal (MA DMF, Chair), Carolyn Belcher (GA CRD, VC), Julie Neer (SAFMC), Angel Bollinger (MD DNR), Karyl Brewster-Geisz (NMFS HMS), Brent Winner (FLFWC), Matt Gates (CT DEP), Eric Schneider (RI DFW), and Chris Vonderweidt (ASMFC Staff).

The Coastal Sharks Technical Committee (TC) held a conference call to: 1) review a Massachusetts *de minimis* proposal, 2) recommend coastal sharks specifications for 2012+, and 3) elect a Vice-Chair. The TC recommends approval of the *de minimis* proposal and a 33-fish large coastal sharks (LCS) possession limit for 2012, and elected Carolyn Belcher as Vice-Chair.

Massachusetts *de minimis* proposal

The Coastal Sharks Fisheries Management Plan (FMP) did not establish specific criteria to exempt a state from regulations in the plan, but allows exemptions to be determined on a case-by-case basis. To receive *de minimis* status, a state must submit a proposal for review by the TC. Proposals are evaluated based on whether implementation of a regulation is necessary for attainment of the FMP's objectives and conservation of the resource. The Spiny Dogfish & Coastal Sharks Management Board (Board) then reviews TC recommendations and considers approval of proposals at their next meeting.

Upon review, ***the TC unanimously recommends approval of the Massachusetts *de minimis* proposal.*** The proposal states that implementation of the LCS possession limit constitutes an unnecessary regulatory burden for Massachusetts because LCS are rarely found in their waters and there is no active state waters LCS fishery. From 1950 – 2009, Massachusetts state waters LCS landings total 4 pounds of nurse shark (1992), 14 pounds of tiger shark (1997), and 414 pounds of blacktip shark (2002). In addition, Massachusetts has implemented all other FMP measures.

The TC agrees with the reasoning laid out in the proposal. Several of the existing Massachusetts coastal shark regulations safeguard against overfishing and help enforcement, including:

- Federal dealer permit requirement. Ensures timely reporting of landings for quota monitoring. Federal dealers are required to take shark ID courses.
- Close state waters when federal waters are closed to prevent quota overages.
- Sharks must be landed with fins and tail attached to improve compliance and enforcement.

The final comment from the TC regarding the proposal is that this request is consistent with Board approved *de minimis* proposals for Maine and New Hampshire.

Coastal Sharks Specifications for 2012+

The TC recommends continuing with a maximum 33-fish LCS possession limit for the 2012 fishing season and no other measures. Federal specifications were not published at the time of this call. The TC will hold another call to review federal specifications if federal waters possession limits change from 2011 amounts (33-fish LCS only) in the final rule¹.

The FMP allows the Board to set:

- Smooth dogfish quota
- Smooth dogfish possession limit
- LCS possession limit
- Small coastal sharks (SCS) possession limit
- Pelagic species possession limit

The Board set a 33-fish LCS possession limit with no other measures in the 2010 and 2011 fishing seasons.

The TC recommends continuing with a maximum possession limit of 33-fish LCS with no other measures in 2012 because these specifications worked relatively well in 2010 and 2011, there is no new information showing that a change is warranted, and they are most likely to be consistent with federal regulations.

Election of a Vice-Chair

Carolyn Belcher of the Georgia Coastal Resources Division was unanimously elected to Vice-Chair.

¹ NMFS HMS staff indicated that the proposed rule was in the clearance process and that they do not anticipate any changes from the 2011 specifications.