

**Coastal Shark Technical Committee Consensus Recommendations:
Interstate Fishery Management Plan for Coastal Sharks.
*June 25 – 26, 2007***

Present: Jack Musick (Chair), Greg Skomal (Vice-Chair), Wilson Laney, Hugh Carberry, Julie A. Neer, Bryan Frazier, Chris Powell, Brent L. Winner, Fritz Rohde, Peter Fricke, Karyl Brewster-Geisz, Mike Frisk, Michael Luisi, Carolyn Belcher, Genny Nesslage, and Chris Vonderweidt.

The following are consensus recommendations from Coastal Shark Technical Committee members who attended a three-day meeting from June 25 – 26, 2007 in Raleigh North Carolina. The TC convened to develop technically rigorous options for the Interstate Fishery Management Plan for Coastal Sharks and give feedback on the various options contained in the plan.

4.1.1 Species Groupings

Species groups identical to federal plan.

Species groupings in the ASMFC shark FMP should be identical to NMFS and consist of Small Coastal, Large Coastal, Pelagic, and Prohibited species groups. By including pelagic species that rarely enter state waters, the FMP will eliminate enforcement loopholes. If we do not include pelagic species, fishermen can catch pelagics in federal waters and legally sell them by claiming that the shark was caught in state waters. As ridiculous as it sounds based on pelagic species biology, enforcement officers cannot prove where a shark is caught unless they witness the catch.

4.1.2 Smooth Dogfish

Option A. Include smooth dogfish as a separate species group.

Smooth dogfish, *Mustelus canis* need protection and should be included as part of our plan. Smooth dogfish management should be high priority and needs to begin as soon as possible. Fishermen are landing primarily female smooth dogfish off the coasts of North Carolina and Virginia making this species susceptible to the same problems as spiny dogfish if we do not manage them proactively.

4.2.1 Recreationally Permitted Species

Option D. Recreational anglers are prohibited from targeting, retaining, catching, or landing any shark species that are illegal to land recreationally in federal waters. As federal recreationally prohibited shark species change, recreationally prohibited shark species in state waters change by default.

Identical regulations in state and federal waters are necessary to minimize confusion for recreational anglers. Selection of this option would allow for recreational retention of smooth dogfish because they are not a prohibited species.

4.2.3 Recreational Minimum Size Limits

Option A. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet. No size limit for bonnethead or sharpnose or smooth dogfish.

This option mirrors federal regulations. Fork length is the most appropriate size limit criteria for sharks and that 4.5 feet is an appropriate cut off length.

Smooth dogfish should not be included in the 4.5-foot fork length size because such a restriction would eliminate recreational fishermen from retaining them. There is no reason why recreational anglers should be prohibited from retaining smooth dogfish.

4.2.4 Authorized Recreational Gear

Option B. Handline, and rod & reel are the only allowable gear in the recreational fishery. In addition, circle hooks are required for all recreational anglers directing on sharks.

In almost every study, circle hooks enhance survival of released animals. Some studies have actually shown that circle hooks increase hooking of sharks over J-hooks. “Option B” is our preferred option, and at the very least, we should *recommend* circle hooks. Enforcement of circle hooks may be difficult, but that we have to start somewhere, and requiring circle hooks cannot hurt anything. Compliance with circle hook requirements would be greatly aided through education.

4.2.5 Recreational Fishing License

Option C. All charter boats and head boats operators must hold a Federal Highly Migratory Species Recreational Charter/Headboat Permit in order for passengers to retain sharks. A charter boat is defined as a boat available for hire, normally by a group of people for a short period of time. A headboat is defined as a fishing boat that takes recreational fishermen out for a fee per person.

Because there is no recreational net reporting system along the Atlantic coast, the best option is to require head/charter boat operators to purchase a Highly Migratory Species Recreational Permits. These permits are open-access, affordable, and can help collect valuable shark data. Current state reporting systems are insufficient on a coastwide basis to collect the information that the HMS system can provide.

It is most appropriate to only require charter and headboats to have a HMS recreational permit for a couple of reasons. First, most recreational anglers will not know that they are required to have a permit to retain shark. Second, the HMS permits are designated for vessels, which poses a problem concerning recreational fishermen who fish from shore.

The ASMFC should also require the net reporting system developed as part of Magnuson-Stevens reauthorization and the recreational registry once such a system is in place.

4.2.6 Recreational Shore-Angler Possession Limits

Option A. Each recreational shore-angler is allowed a maximum harvest of one shark from either the large coastal, small coastal, or pelagic species group per calendar day. In addition, each recreational shore angler may harvest one bonnethead, one sharpnose, and one smooth dogfish per calendar day. This is consistent with current federal shark regulations.

“Option A” is consistent with federal regulations and also allows for harvest of smooth dogfish which recreational anglers may catch.

4.2.7 Recreational Vessel-Fishing Possession Limits

Option A. Each recreational fishing vessel is allowed a maximum harvest of one shark from either the large coastal, small coastal, or pelagic species group per trip. In addition, each recreational angler fishing from a boat may harvest one bonnethead, one sharpnose, and one smooth dogfish per trip. This is consistent with current federal shark regulations.

“Option A” is consistent with federal regulations and also allows for harvest of smooth dogfish which recreational anglers may catch.

4.3.1 Commercial Regions

Option E. Regions that are identical to those in federal waters for all adjacent state waters. If regions in federal waters change or are dissolved, regions in state waters automatically change by default. Because smooth dogfish are not federally managed, they are considered to have one management region spanning the entire boundary of ASMFC jurisdiction—completely separate from HMS regions.

“Option E” ensures that there can be identical quotas encompassing state and federal waters even if federal regions change. The most important part of this plan is to make sure that quotas are identical between federal and state waters. Having identical regions is a necessary precursor to setting a coastwide quota.

4.3.3.1 Quota Specification Schedule

Option E. The ASMFC will not actively set quotas, but will close the fishery for any group when the NMFS closes the fishery in response to quotas being harvested or being projected to be harvested. The state water fishery will for closed groups re-opens when NMFS reopens the fishery in the EEZ. There will be no quota for smooth dogfish. Smooth dogfish landings will be controlled by other means such as possession limits.

In order to create a solid plan that allows for sustainable harvest of coastal sharks while closing loopholes is setting an overall quota that spans from the coast to the eastern edge of the EEZ. Separate quotas in state and federal waters will not work because loopholes will still exist for fishermen who can claim to have caught the shark from whichever area is still open to fishing.

In addition, the ASMFC does not have a system that can monitor quotas in state waters. An adequate system would have to compile landings quickly enough for management to close the fishery to avoid overages. Quotas are small and any delay in closure can result in overages exceeding 100% as has happened in the past.

Additionally, the TC will not have any new information or analysis to present to the Board when giving recommendations on quota. Total allowable catch estimates for each group and some species are generated with each assessment. HMS sets their quotas based on the TAC’s provided in the assessments. ASMFC TC members are part of the assessment teams that recommend the TAC.

Selection of this option would also simplify the management plan. Opening and closing with adjacent federal waters would allow the Plan Development Team to remove the following commercial sections of the FMP because they become unnecessary: fishing year, regions, seasons, process for setting fisheries specifications quota allocation, quota overages, and quota rollovers. Selecting “option E” also removes the need to establish target and threshold biomass levels for 39 species of shark, which will be extremely resource intensive.

Selecting this option also ensures that quotas will remain the same between state and federal waters in light of changing federal regulation changes.

4.3.3.3 Quota Rollovers

No portion of any species group quota may be rolled over until the stock has rebuilt to the target biomass. The Spiny Dogfish and Coastal Shark Management Board may consider implementing a rollover provision when the stock has rebuilt to the target described in Section 2.6.1. When the portion of the stock has reached its rebuilding target, quota rollovers shall be limited to 5% of the annual coastwide quota. Rollovers will not be allowed for any shark species whose status is unknown.

The TC is uncomfortable with this option until biomass targets are established. The language “If a stock is at or beyond its rebuilding target, quota, etc...” was suggested. The TC discourages allowing any quota rollovers until rebuilding guidelines are firmly established.

A maximum rollover of 5% is appropriate.

4.3.4.1 Commercial Permit Requirements

Option D. Commercial shark vessels must be assigned a federal shark permit or an individual on the vessel must have a state commercial fishing license to harvest sharks in state waters.

“Option D” is best because it does not exclude anyone from the fishery (federal permits are limited access but state shark fishermen can still get state commercial permits) and ensures collection of valuable data.

Allowing state permit holders to land sharks allows harvest and data collection of smooth dogfish.

4.3.4.2 Commercial Possession Limits

Option B. Possession limits set annually by species group.

The Board should review possession limits annually by species group. Other management measures, including all federal management measures will be based on species groups. Assigning species-specific possession limits will confuse fishermen.

4.3.4.3 Commercial Size Limits

Option D. The Board has the ability to set commercial size limits at the individual species and/or species group level using some of all of the following criteria: region and/or sex and/or

season. In addition, the Board can choose not to use size limits in any given year. The Board may set size limits for only some species or species groups and not others. This option gives the board complete flexibility to set size limits with changing fisheries, seasons, and species groups. (TC Recommended)

Commercial size limits are an effective tool to control the fishery without setting quotas. Size limits are an effective way to reduce fishing pressure in nursery areas and pupping grounds.

In response to setting size limits by sex, there will be claims that fishermen cannot tell males and females apart. This argument is “bogus.” Sharks become docile when turned on their backs at which point they are easy to sex. A commercial shark fisherman will know how to tell males and females apart.

4.3.4.4 Commercial Gear Restrictions

The TC recommends allowing all gears types except for longlines. A, B, C, D, E, G, H, & I

Longlines should be prohibited gear in state shark fisheries. Gillnets were broken down by size because there are generally two types of shark gillnet fisheries –directed, and bycatch.

Large mesh gillnets are used in directed shark fisheries while small mesh gillnets are used in other fisheries and catch sharks as bycatch. Separating gillnets by size allows for more appropriate management measures. Various trawl fisheries also land sharks as bycatch.

The ASMFC should allow landing of sharks in the small gillnet and trawl fisheries because mortality rates of sharks caught as bycatch are high. This measure will allow for the dead sharks to be sold and counted towards the quota and increase data collection.

4.3.4.5 Commercial Bycatch Reduction Measures

Option A. Bottom longline vessels must use corrodible circle hooks¹ on their longlines; pelagic longline vessels must use circle hooks and bait types consistent with federal regulations. All longline vessels must practice the protocols and possess the recently updated release equipment 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.

And

Option B. Large-mesh gillnets (defined as $\geq 5''$) must be smaller than 2.5 km and conduct net checks once ever two hours.

Bycatch reduction should be addressed in this plan. The TC does not endorse longlines for use in state shark fisheries, however if this Board chooses to allow longlines, the TC recommends requiring Option A.

¹ Defined as a non-offset hook with the point turned perpendicularly back to the shank. Please refer to Special Report No. 77 of the Atlantic States Marine Fisheries Commission: Circle Hook Definition and Research Issues, for specifics on the definition.

4.3.4.6 Commercial Shark Identification

Option C. All sharks harvested by commercial fishermen within state boundaries must have tails and fins attached to the carcass through landing. Fishermen may still gut and bleed the carcass by making an incision at the base of the caudal peduncle as long as the caudal tail is not removed. Filleting sharks at sea is prohibited.

The presence of fins is critical to species identification and species identification is critical for quota monitoring and assessments. The presence of fins would also help to “solve the sex ratio data problem.” The TC prefers option C that requires fins to remain attached—but not the head. The head is unnecessary for identification and requiring it to remain attached will cause unnecessary burden to commercial fishermen.

4.3.4.7 Finning Prohibition

Option A. Finning is defined as the act of taking a shark, removing the fins, and returning the remainder of the shark to the sea. Finning sharks will be prohibited in state waters. Vessels that land sharks must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. (TC Recommended)

Finning should also be prohibited in state waters consistent with the Shark Finning Prohibition Act.

4.3.5 Issue 1: Seasonal Closures

Further analysis is required before coastwide nursery areas and pupping grounds could be delimited. The TC discussed and came up with a list of species whose nursery and pupping area conservation was top priority. These were deemed first tier and are as follows:

First Tier

1. Dusky
2. Sandtiger
3. Sandbar
4. Blacknose
5. Scalloped hammerhead

The following species were deemed ‘second tier’. Second tier does not mean that these species do not need protection. Species were broken into tiers to help TC members with their nursery area and pupping ground analysis prior to the next TC meeting, and to highlight the necessity of protecting the first tier species.

Second Tier

1. Finetooth
2. Blacktip
3. Spinner
4. Bonnethead
5. Common thresher
6. Bull
7. Sharpnose

The Coastal Shark Technical Committee is scheduled to meet September 24 - 25 to develop nursery and pupping ground closure options. Members agreed to research the 2007 American Fisheries Society Symposium papers on nursing grounds, the McCandless report, and any other pertinent papers and come to the next meeting with presentations suggesting nursery areas and pupping grounds off of their states. Technical Committee members will focus on catch per unit effort, frequency, species composition, seasonality, temperature, salinity, and index of use when delineating areas. In addition, each member agreed to bring an overview of sources used to delineate the areas.

4.3.7.1 Commercial Logbook Schedule & 4.3.7.2 Commercial Logbook Requirements

Requiring logbooks for state only shark fishermen may be impractical or impossible under existing infrastructure. The concern is that most states do not have systems in place to collect logbook data. Technical Committee members agreed to come to the September 24, 2007 meeting prepared to discuss whether their state could handle a logbook requirement under existing infrastructure.

Logbooks are good to have to cross-reference dealer reports with, but it does not make sense to require them if there is no system in place to collect the data.

4.3.8.1 Dealer Permits

Option A. Federal dealer permits are required to buy and sell sharks.

Requiring federal permits will help provide accurate species specific data and ensure that all state shark landings are counted towards quotas.

Federal quotas are monitored through dealer reports. Federal dealer reporting requirements allows for timely closures when quotas are landed. State shark fishermen may sell to federal dealers as long as the sharks are caught in accordance with state regulations. Federal dealers are required to attend shark ID workshops and report twice a month.

4.3.8.2 Dealer Reporting Schedule

Option B. State shark dealers must report on the 1st and 15th of every month. Same schedule as federal shark reporting requirements dictate. See CFR 635.5.

Requiring federal dealer permits (4.3.8.2) would require dealers to report on the 1st and 15th of every month.

4.3.8.3 Dealer Reporting Requirements

Option B. Dealers are to report the quantity of shark purchased (in pounds) separated into total weight of each individual shark species. Dealers whose reported weights are found to be less than 95% correct will be subject to fines and/or loss of license.

The TC agrees that species-specific landings data is essential for assessment and monitoring purposes.