

Atlantic States Marine Fisheries Commission

**ADDENDUM II TO THE INTERSTATE FISHERY
MANAGEMENT PLAN FOR ATLANTIC COASTAL SHARKS:
SMOOTHHOUND SHARK STATE SHARES**



ASMFC Vision Statement:

Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.

Approved May 2013

1.0 Introduction

This Addendum modifies the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan for Atlantic Coastal Sharks (FMP) to establish state shares for smoothhound sharks (smooth dogfish) and modify the existing at-sea processing regulations for smoothhound sharks.

Smoothhound sharks are not currently managed in federal waters by NOAA Fisheries. However, Amendment 3 to the Highly Migratory Species Fishery Management Plan (HMS) classified smooth dogfish as part of the 'smoothhound complex' which includes two species: smooth dogfish (*Mustelus canis*) and Florida smoothhound (*Mustelis norrisi*). NOAA Fisheries has indicated that it chose the name smoothhound complex to minimize any confusion with spiny dogfish regulations. It notes that both smooth dogfish and Florida smoothhound are likely the same species and are the only members of the smoothhound family (*Triakidae*) found on the Atlantic coast. All future smoothhound complex regulations apply to smooth dogfish.

NOAA Fisheries is working to implement the Shark Conservation Act of 2010 which requires that shark fins remain naturally attached to the shark carcass through landing of the fish. The Act contains a savings clause which allows the removal of smoothhound fins at sea, so long as the total weight of the shark fins does not exceed 12 percent of the total weight of shark carcasses found on board a vessel.

Smoothhound shark is included as one of the 40 species managed in the Commission's FMP. All regulations in the FMP apply to smoothhound sharks except where an exemption is specifically listed (i.e. recreational possession limits, quota specification, etc.). A list of all regulations that apply to smoothhound sharks, including the modifications in this addendum, 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 smoothhound sharks. NOAA Fisheries is currently working to implement a coastwide smoothhound shark quota.

Addendum I to the Coastal Sharks FMP was approved in September 2009. This Addendum modified smoothhound shark measures to allow limited processing of smoothhound sharks at-sea (*Section 4.3.1.1 Finning and Identification*). It also removed the recreational possession limits (*Section 4.2.7.1 Recreational Shore-Angler Possession Limits* and *Section 4.2.7.2 Recreational Vessel-Fishing Possession Limits*) and 2-hour large-mesh net check requirements for smoothhound sharks (*Section 2.3.4 Bycatch Reduction Measures*).

2.0 Overview

2.1 Statement of the Problem

The purpose of this addendum is to preserve the historical distribution of smooth dogfish (smoothhound shark) landings. NOAA Fisheries Office of Highly Migratory Species Division (HMS) is working to amend the HMS FMP to include measures from the Shark Conservation Act. This will include a smoothhound shark quota. In anticipation of the upcoming federal quota for smoothhound sharks, the Spiny Dogfish and Coastal Sharks Management Board (Board) approved this addendum to establish state-shares prior to the federal quota implementation.

Proposed Management Options from the Public Comment Draft of Addendum II

In addition to considering allocation of state-shares of the coastwide quota, the Board considered allowing rollovers of state quotas and a mandatory re-evaluation of the state-shares. The Board chose not to adopt either of these options. In the absence of a stock assessment, allowing rollovers of state quotas can violate the goals and objectives of the fishery management plan and also may result in overages of the federal coastwide quota. The mandatory re-evaluation was not pursued by the Board due to *Section 4.5 Adaptive Management* of the FMP, which allows for re-evaluation of management measures at any time the Board deems necessary.

2.2 Background

Smoothhound Shark State Shares

The FMP allows the Board to set possession limits and an annual quota for smoothhounds for up to five years. Quotas have been implemented for other species as a management strategy following assessment results that indicate a need to reduce harvest. Smoothhound sharks have not been assessed and stock status is unknown. In the absence of an assessment that indicates their necessity, the Board has chosen to forego setting a smoothhound shark quota or possession limits in previous years.

Coastwide landings peaked in 1994 and 1995, but were around 1 million pounds from 1996 – 2007. Landings increased from 2008-2010, but there was a slight decrease in landings in 2011 (Figure 1 and Table 1).

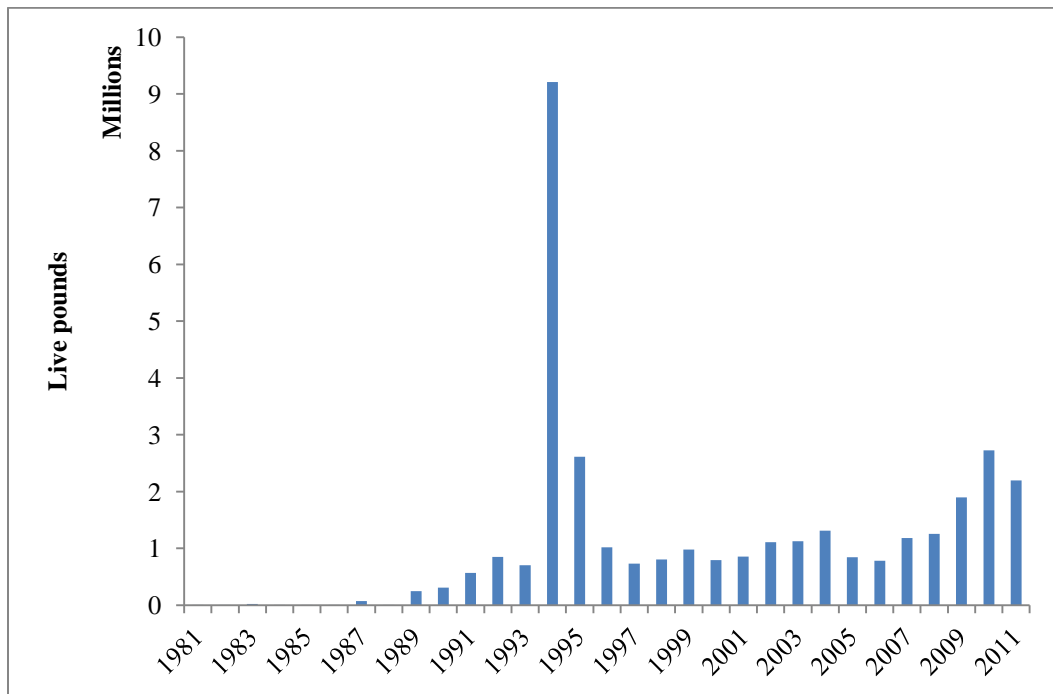


Figure 1. Coastwide smooth dogfish landings 1981 – 2011. Total represents landed weight (not whole or converted weight). Source: ACCSP, 2013.

Table 1: Smooth Dogfish Coastwide Landings 1981 – 2011. Total represents landed weight (not whole or converted weight). Source: ACCSP, 2013

| Year | Landings (Pounds) | Year | Landings (Pounds) |
|------|-------------------|------|-------------------|
| 1981 | 600 | 1997 | 731,935 |
| 1982 | 7,500 | 1998 | 805,211 |
| 1983 | 24,800 | 1999 | 978,741 |
| 1984 | 1,300 | 2000 | 796,764 |
| 1985 | 7,800 | 2001 | 858,636 |
| 1986 | 4,900 | 2002 | 1,107,232 |
| 1987 | 71,400 | 2003 | 1,127,935 |
| 1988 | 1,600 | 2004 | 1,311,360 |
| 1989 | 250,100 | 2005 | 845,729 |
| 1990 | 310,775 | 2006 | 783,013 |
| 1991 | 569,567 | 2007 | 1,183,894 |
| 1992 | 852,582 | 2008 | 1,258,081 |
| 1993 | 701,733 | 2009 | 1,899,471 |
| 1994 | 9,210,064 | 2010 | 2,726,677 |
| 1995 | 2,612,977 | 2011 | 2,196,081 |
| 1996 | 1,019,460 | | |

Smoothhound Shark Processing at Sea

The Shark Conservation Act of 2010 requires that coastal sharks are landed with fins and tail attached with an exemption for smoothhound sharks. Fishermen holding a valid state commercial permit may process smoothhound sharks at sea out to 50 miles from shore, as long as the total weight of smoothhound shark fins landed or found on board a vessel does not exceed 12 percent of the total weight of smoothhound shark carcasses landed or found on board.

Addendum I allows fishermen to process smoothhound sharks at sea as follows:

Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. 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. 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 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. 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.

3.0 Management Program

3.1 Smoothhound Shark State Shares

This replaces Section 4.3.7 Process for Setting Fishery Specifications of the Interstate Fishery Management Plan for Coastal Sharks. This section removes smoothhound sharks from the possession limits specification process.

The Spiny Dogfish and Coastal Sharks Management Board may set a quota for the Smooth Dogfish species group; and possession limits for the 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 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.

Smoothhound State-Shares

The smoothhound shark coastwide quota, as determined by the annual specification process described in *Section 4.3.7* of the Interstate FMP for Coastal Sharks, shall be allocated as follows in Table 1.

Table 1: State-shares of the coastwide smooth dogfish (smoothhound) quota.

| | State-Share Percentages |
|-----------|--------------------------------|
| ME | 0.021% |
| MA | 0.433% |
| RI | 1.363% |
| CT | 0.234% |
| NY | 7.953% |
| NJ | 18.828% |
| DE | 0.339% |
| MD | 6.703% |
| VA | 34.803% |
| NC | 28.583% |
| SC | 0.742% |

When the quota in any state is projected to be reached, the commercial landing, harvest and possession of smoothhound sharks will be prohibited in the state waters of that state until the next fishing season begins. When the quota allocated to the state is exceeded in a fishing season, the amount over the allocation will be deducted from the corresponding state in the subsequent fishing season.

3.2 State Quota Transfer

This allows for quota transfer for all states contained in the coastal sharks FMP.

Two or more states, under mutual agreement, may transfer or combine their smoothhound shark quota. These transfers will not permanently affect the state-specific shares of the coastwide quota, i.e. the state-specific shares would remain fixed. States have the responsibility for closing the smoothhound shark commercial fishery in their state once the quota has been reached. The Executive Director or designated ASMFC staff will review all transfer requests before the quota transfer is finalized. Such agreements for state-by-state transfer of quota will be forwarded to the Board through Commission staff.

Once quota has been transferred to a state, the state receiving quota becomes responsible for any overages of transferred quota. That is, the amount over the final quota (the state's quota plus any quota transferred to the state) for a state will be deducted from the corresponding state's quota the following fishing season.

3.3 Quota Rollovers

Unused quota may not be rolled over from one fishing year to the next.

In the event that a stock assessment is conducted for smoothhound shark, the Coastal Sharks Management Board may alter this provision as described in *Section 4.5 Adaptive Management of the Interstate FMP for Coastal Sharks*.

3.4 Possession Limits

This adds the following language to Section 4.3.6 Possession Limits of the FMP.

The Board will not set possession limits for smoothhound sharks once the federal coastwide quota has been implemented. A state may set possession limits as best meets that state's individual needs. Once initial possession limits are approved by the Board (those contained in the state's proposals), a state must submit any changes to their possession limits to the Coastal Sharks TC for review. The TC will then make recommendations to the Board for approval with the annual specifications for the following fishing year.

3.5 Smoothhound Shark Commercial Processing At Sea

This replaces Section 2.3.1 Smooth Dogfish Processing at Sea in Addendum I to the Interstate FMP.

Commercial fishermen may remove all smoothhound shark fins year round. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound shark carcasses landed or found on board a vessel.

4.0 Compliance Schedule

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

July 15, 2013: States submit proposals to meet requirements of Addendum II.

August 5-8, 2013: Management Board reviews and takes action on state proposals.

January 1, 2014: States implement regulations.

Section 3.5 Smoothhound Shark Commercial Processing At Sea may be implemented at any time after the document received final approval (May 21, 2013).

Appendix A: Smoothhound shark management measures as modified in Addendum I and Addendum II

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 and 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*), per calendar day. In addition, each recreational shore angler may harvest one additional bonnethead, and one additional Atlantic sharpnose. 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.

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*) 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 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

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 Specifications (4.3.4)

The Spiny Dogfish and 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.

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.

The Board will not set possession limits for smoothhound sharks. A state may set possession limits as best meets that state's individual needs. Once initial possession limits are approved by the Board (those contained in the state's proposals), a state must submit any changes to their possession limits to the Coastal Sharks TC for review. The TC will then make recommendations to the Board with the annual specifications for the following fishing year.

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 and Coastal Sharks Management Board may set possession limits for the 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 Groups and possession limits for the 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 and 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 and 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.

Smoothhound State-Shares

The smoothhound shark coastwide quota, as determined by the annual specification process described in *Section 4.3.7* of the Interstate FMP for Coastal Sharks, shall be allocated as follows in Table 1.

Table 2: State-shares of the coastwide smooth dogfish (smoothhound) quota.

| | State-Share Percentages |
|-----------|--------------------------------|
| ME | 0.021% |
| MA | 0.433% |
| RI | 1.363% |
| CT | 0.234% |
| NY | 7.953% |
| NJ | 18.828% |
| DE | 0.339% |
| MD | 6.703% |
| VA | 34.803% |
| NC | 28.583% |
| SC | 0.742% |

When the quota in any state is projected to be reached, the commercial landing, harvest and possession of smoothhound shark will be prohibited in the state waters of that state until the next fishing season begins. When the quota allocated to the state is exceeded in a fishing season, the amount over the allocation will be deducted from the corresponding state in the subsequent fishing season.

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 and 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.

Finning and Identification (4.3.11)

All sharks, with the exception of smoothhound shark, 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 remove all smoothhound shark fins year round. If fins are removed, the total wet weight of the shark fins may not exceed 12 percent of the total dressed weight of smoothhound shark carcasses landed or found on board a vessel.