



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

**TO:** Coastal Sharks Management Board

**FROM:** Toni Kerns, ISFMP Director *TMK*

**DATE:** December 14, 2015

**RE:** Smoothhound States Shares Activated Through HMS Amendment 9 Final Rule

On November 24, the National Marine Fisheries Service (NMFS) published the final rule for Amendment 9 to the 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (FMP). The Amendment brings smoothhound sharks (which in the Atlantic means smooth dogfish) under federal management effective March 15, 2016.

This memo brings to your attention select management measures in Amendment 9 (bolded) and how this management measures aligns or differs from the Coastal Sharks FMP.

***Commercial Quota: Amendment 9 establishes a 2016 smoothhound commercial quota for the Atlantic region of 1,201.7 mt dw***

As stated in Addendum II to the Interstate Coastal Sharks FMP, the Board may set a quota for the smooth dogfish species group. Effective March 15, 2016 the state-shares of the quota will be allocated as shown in Table 1.

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.

HMS will close the fishery in federal waters when smoothhound shark landings reach, or are expected to reach, 80 percent of the coastwide quota. However, as stated in Addendum II, fishermen with a state commercial fishing license can continue to harvest smooth dogfish until the allotted state share has been caught.

Two or more states, under mutual agreement, may transfer or combine their smoothhound shark quota after ASMFC review and approval.

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

**Table 1:** State-shares of the coastwide smooth dogfish quota in the 2016 fishing year

	<b>State-Share Percentages</b>	<b>State-Share (mt)</b>	<b>State-Share (lb)</b>
<b>ME</b>	0.021%	0.3	551
<b>MA</b>	0.433%	5.2	11,464
<b>RI</b>	1.363%	16.4	36,111
<b>CT</b>	0.234%	2.8	6,195
<b>NY</b>	7.953%	95.6	210,694
<b>NJ</b>	18.828%	226.3	498,813
<b>DE</b>	0.339%	4.1	8,973
<b>MD</b>	6.703%	80.5	177,581
<b>VA</b>	34.803%	418.2	922,030
<b>NC</b>	28.583%	343.5	757,236
<b>SC</b>	0.742%	8.9	19,621
<b>TOTAL</b>	<b>100%</b>	<b>1201.7</b>	<b>2,649,268</b>

***Recreational Permits:*** Amendment 9 requires recreational anglers fishing in federal waters to have a HMS Angling or HMS Charter/Headboat recreational permit for retention of recreationally-caught smoothhound sharks.

Amendment 9 did not set minimum recreational size limits for smoothhound sharks.

***Commercial Permits:*** Amendment 9 requires commercial fisherman that fish for smoothhounds in federal waters to obtain a federal smoothhound commercial permit.

The federal smoothhound commercial permit is an open access permit. Having only a directed shark limited access permit will not allow fishermen to fish for smoothhounds in federal waters.

***Commercial Possession Limits:*** Amendment 9 did not set a commercial retention limit for smoothhounds.

As stated in Addendum II to the Coastal Sharks FMP, the Board will not set possession limits for smoothhound sharks once the federal coastwide quota has been implemented. Once state-by-state quotas are in place, states can establish a specific management program to achieve but not exceed their state quota.

***Processing at Sea:* Amendment 9 allows commercial federal fishermen to remove the fins of smooth dogfish if:**

**1) Fishermen have a federal commercial smoothhound permit and possess a state commercial fishing license**

As stated in the Shark Conservation Act of 2010, a valid state commercial fishing license is required to process smooth dogfish at sea. With the passage of Amendment 9, federally permitted fishermen that process smooth dogfish at sea will need a federal commercial smoothhound permit, as well as a state commercial fishing license. State water fishermen are only required to possess a valid state commercial fishing license to process smooth dogfish at sea.

**2) 25 percent of retained catch on the vessel is smooth dogfish**

Amendment 9 authorizes federal commercial fishermen with valid permits to remove fins at sea if 25% of retained catch on board is smooth dogfish (other shark species can be retained on board as well). The Interstate Coastal Sharks FMP does not specify a catch composition for vessels that process smooth dogfish in state waters. If the Board would like state waters regulations to be consistent with federal measures it will require an addendum to the Coastal Sharks FMP, which specifically states 25% of retained catch on board must be smooth dogfish to process at sea.

**3) The vessel is located between the shore and 50 nautical miles and is along the Atlantic Coast (Maine through the east coast of Florida)**

As stated in the Shark Conservation Act of 2010, to process smooth dogfish at sea the vessel must be located between the shore and 50 nautical miles.

**4) The fin-to-carcass ratio does not exceed 12 percent**

As stated in Addendum II, commercial fishermen may remove all smooth dogfish 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 smooth dogfish shark carcasses landed or found on board a vessel.

***Dealer Permits:* Amendment 9 requires dealers to possess an Atlantic Shark Dealer permit to purchase smoothhound sharks. Permits are available through the Southeast Regional Office Permit Office. Dealers must report smoothhound shark purchases on a weekly basis.**

As stated in the Coastal Sharks FMP, a federal Commercial Shark Dealer Permit is required to buy and sell any shark caught in state waters.

***Gillnet Gear:* Amendment 9 requires fishermen in the federal Atlantic shark and smoothhound shark fisheries to limit soak times to 24 hours when using sink gillnet gear, and conduct a net check at least every 2 hours when using drift gillnet gear.** Drift gillnet means a gillnet that is floating unattached to the ocean bottom and not anchored, secured, or weighted to the ocean bottom. Sink gillnet means a gillnet that is designed to be or is fished on or near the ocean bottom in the lower third of the water column by means of a weight line or

enough weights and/or anchors that the bottom of the gillnet sinks to, on, or near the ocean bottom.

The Coastal Sharks FMP does not define sink or drift gillnet, rather it identifies small mesh versus large mesh gillnets. Addendum 1 removed the 2-hour net check requirement for commercial fishermen using large mesh gillnets (defined as having a stretch mesh size greater than or equal to 5 inches). If the Board would like state waters regulations to be consistent with federal measures it will require an addendum to the Coastal Sharks FMP.

The Coastal Sharks Board will meet in February 2016 to discuss smoothhound management measures. If you have any questions please contact Ashton Harp at [aharp@asmfc.org](mailto:aharp@asmfc.org) or 703.842.0740.