

*Science, Service, Stewardship*



# Draft Amendment 3 to the 2006 Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan (FMP)

Highly Migratory Species  
Management Division  
NMFS/NOAA

July 2009

**NOAA  
FISHERIES  
SERVICE**



## Overview

- Need for action
- Management objectives
- Timeframe of action
- Background
- Summary of alternatives
  - Blacknose sharks
  - Shortfin mako sharks
  - Smooth dogfish
- Request for public comments





## Need for Action

- Per the latest stock assessments:
  - Blacknose sharks:
    - Overfished
    - Overfishing occurring
  - Shortfin mako sharks:
    - Not overfished
    - Overfishing Occurring
- Smooth dogfish are not currently managed at the federal level and are in need of conservation and management





## Need for Action

### Overview of Amendment 3 Objectives:

- Rebuild and end overfishing of blacknose sharks
- End overfishing of shortfin mako sharks
- Ensure the sustainability of the smooth dogfish fishery by implementing federal conservation and management measures

A range of alternatives is used to address these objectives





## Specific Amendment 3 Objectives

- Implement a rebuilding plan for blacknose sharks to ensure that fishing mortality levels are maintained at or below levels that would result in a 70% probability of rebuilding in the timeframe recommended by the assessment;
- End overfishing for blacknose and shortfin mako sharks;
- Provide an opportunity for the sustainable harvest of finetooth, bonnethead, Atlantic sharpnose sharks and other sharks, as appropriate;



### **Specific Amendment 3 Objectives (con't)**

- Prevent overfishing of Atlantic sharks;
- Consider management measures for smooth dogfish sharks in federal waters, as appropriate.
- Develop an appropriate mechanism for specifying Annual Catch Limits (ACLs) to prevent and end overfishing within the constraints of existing data
- Apply Accountability Measures (AMs) appropriately to ensure that ACLs are not exceeded.



## Timeframe of action

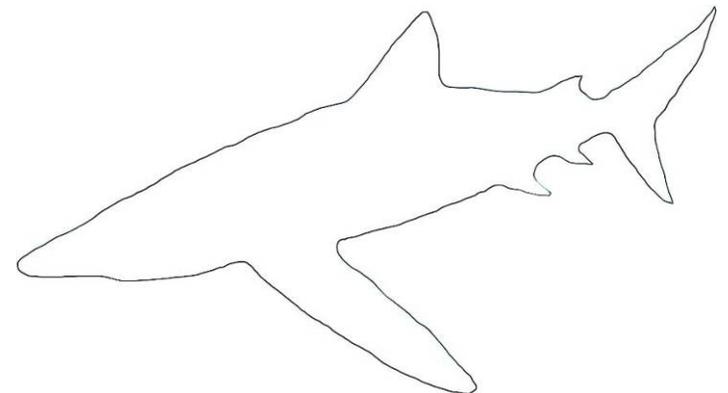
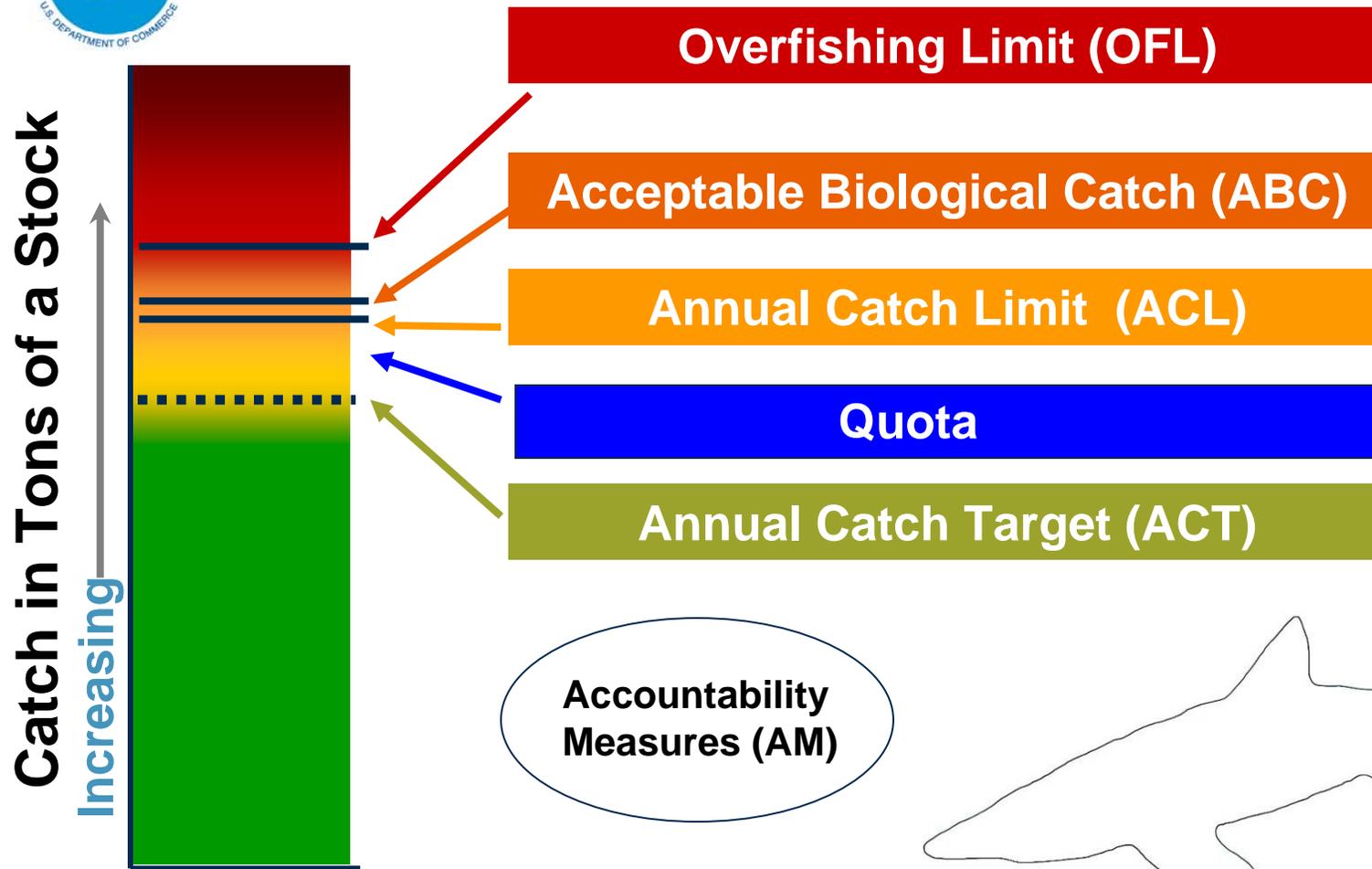
- **Scoping:** July – November 2008
- **Predraft:** February 2009
- **Draft Environmental Impact Statement and Proposed Rule:** July 2009
- **Final EIS/Rule:**  
early 2010





# ACLs and AMs

Mandated by the Magnuson-Stevens Act





# ACLs and AMs

Mandated by the Magnuson-Stevens Act

## How ACLs and AMs are implemented for sharks

- $OFL > ABC \geq ACL$  (until estimates of ABC are available);
- OFL = the annual amount of catch that corresponds to the estimate of MFMT applied to a stock's abundance relative to the level of fishing mortality (F);
- ABC = to be determined by future stock assessments; in the interim, NMFS assumes  $ABC = ACL$ ;
- $ACL = TAC$ ; for overfished stocks this will be the projection that shows 70 percent probability of rebuilding;
- Commercial quota = landings component of the sector ACL; and
- AMs = restrictions on use of over- and underharvests and closing the fishery when commercial landings are at or projected to be at 80 percent of the quota.



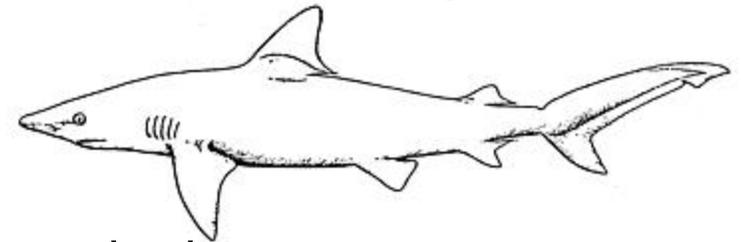
## Summary of Topics By Species

- **Blacknose sharks**
  - Commercial quota considerations
  - Commercial gear restrictions
  - Recreational fishery considerations
- **Shortfin mako sharks**
  - Pelagic shark effort controls
  - Recreational fishery considerations
- **Smooth dogfish**
  - Potential federal conservation and management measures



# Blacknose Sharks

## Background



Atlantic and Gulf of Mexico landings of blacknose sharks:

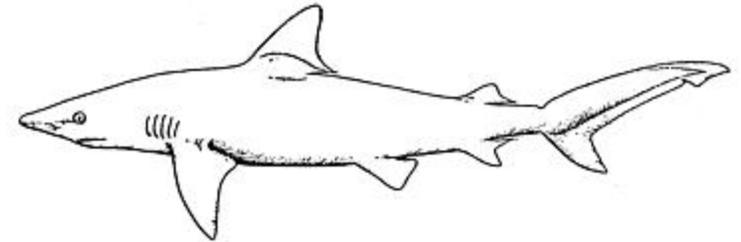
- 86,381 sharks/year (avg annual mortality between 1999-2005)

	Commercial						Recreational
Source of Mortality (avg weight)	Longline (5.4 lbs)	Nets (14.4 lbs)	Lines (unk)	BLL Discards (5.4 lbs)	GOM Shrimp bycatch (4.6 lbs)	SA Shrimp bycatch (4.6 lbs)	Landings (1.5 lbs)
Number	8,091	19,041	352	5,007	38,626	4,856	10,408
% by Number	9%	22%	<1%	6%	45%	6%	12%
Weight	43,691	274,190	1,749	27,038	177,680	22,338	15,612
% by Weight	8%	49%	0%	5%	32%	4%	3%



## Blacknose Sharks

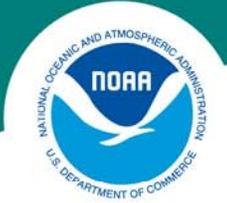
### Background



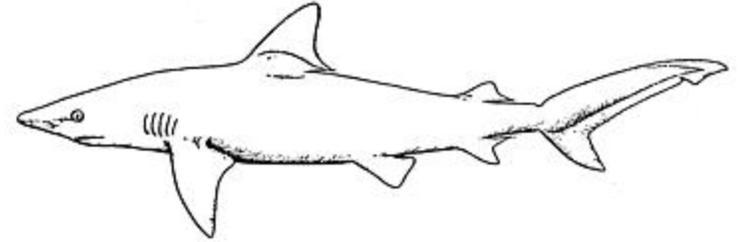
SEDAR 13 SCS stock assessment (2007):

- Overfished:
  - $SSF_{2005}/SSF_{MSY} = 0.48$
- Overfishing Occurring:
  - $F_{2005}/F_{MSY} = 3.77$
- A constant TAC of 19,200 individuals (78% reduction) would lead to rebuilding with 70 percent probability by 2027





# Blacknose Sharks

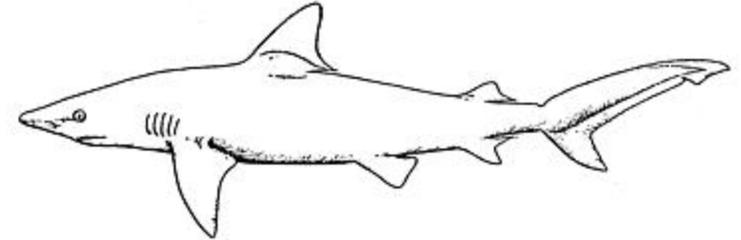


## Commercial Quotas

- A1 No Action. Maintain the existing SCS species complex and quota
- A2 Establish a new SCS quota of 392.5 mt dw and a blacknose commercial quota of 13.5 mt dw
- A3 Establish a new SCS quota of 42.7 mt dw and a blacknose commercial quota of 16.6 mt dw; allow all current authorized gears for sharks
- *A4 Establish a new SCS quota of 56.9 mt dw and a blacknose commercial quota of 14.9 mt dw; remove shark gillnet gear as an authorized gear for sharks – Preferred Alternative*
- A5 Close the SCS fishery



# Blacknose Shark

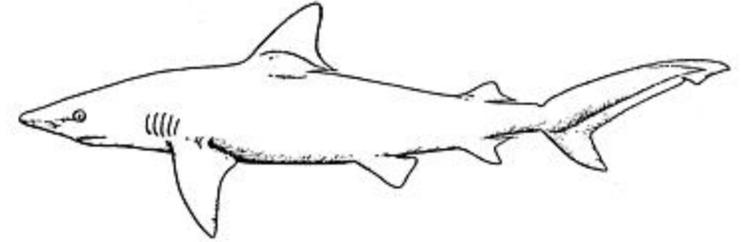


### Commercial gear restrictions

- B1 No Action. Maintain current authorized gears for commercial shark fishing
- B2 Close shark gillnet fishery; remove gillnet gear as an authorized gear type for commercial shark fishing
- B3 *Close the gillnet fishery to commercial shark fishing from South Carolina south, including the Gulf of Mexico and the Caribbean Sea – Preferred Alternative*



# Blacknose Shark

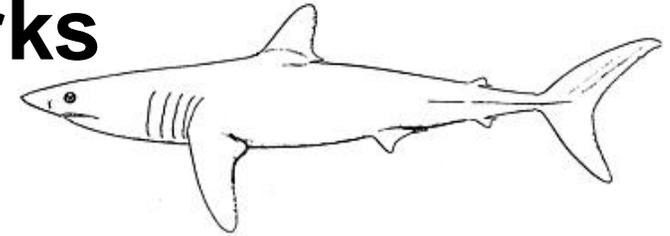


## Recreational quota considerations

- D1 No Action. Maintain the current recreational retention and size limit for SCS
- D2 Modify the minimum recreational size limit for blacknose sharks based on their biology
- D3 Increase the retention limit for Atlantic sharpnose sharks based on current catches
- *D4 Prohibit retention of blacknose sharks in recreational fisheries – Preferred Alternative*

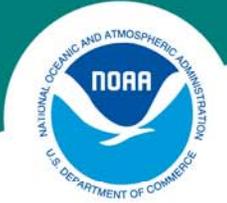


## Shortfin Mako Sharks

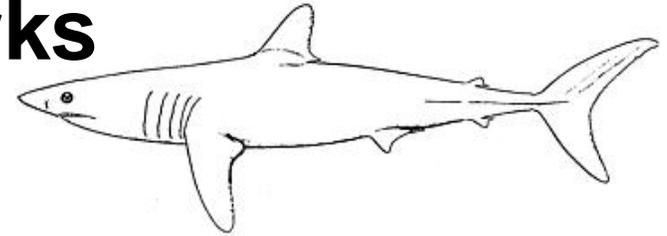


- ICCAT's Standing Committee on Research and Statistics (SCRS) 2008
  - Not Overfished:
    - $B_{2007}/B_{msy} = 0.95-1.65$
  - Overfishing is occurring
    - $F_{2007}/F_{msy} = 0.48-3.77$
- U.S. proportion of Atlantic-wide shortfin mako catch:
  - < 10%



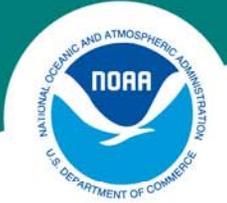


# Shortfin Mako Sharks

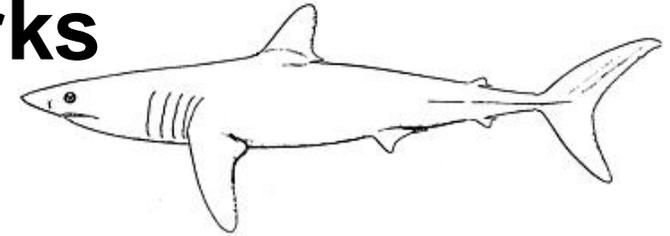


### Pelagic shark effort control

- C1 No Action. Keep shortfin mako sharks in the pelagic shark species complex and do not change the quota
- C2 Remove shortfin mako sharks from pelagic shark species quota and establish a shortfin mako quota
- C3 Remove shortfin mako sharks from pelagic shark species complex and place this species on the prohibited shark species list
- C4 Establish a commercial size limit for shortfin mako sharks
- C5 *Take action at the international level to end overfishing of shortfin mako – Preferred Alternative*
- C6 *Promote the release of shortfin mako sharks brought to fishing vessels alive – Preferred Alternative*



# Shortfin Mako Sharks

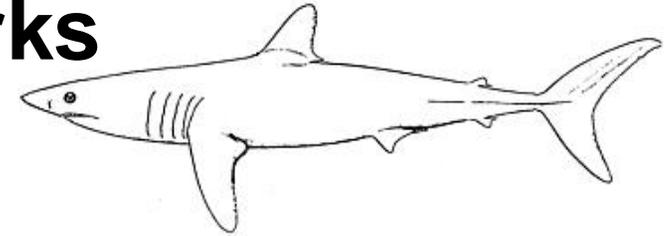


## Pelagic shark effort control

- C4 Establish a commercial size limit for shortfin mako sharks
  - C4a) Establish a minimum size limit for shortfin mako sharks that is based on the size at which 50 percent of female shortfin mako sharks reach sexual maturity or 32 inches interdorsal length (IDL)
  - C4b) Establish a minimum size limit for shortfin mako sharks that is based on the size at which 50 percent of male shortfin mako sharks reach sexual maturity or 22 inches IDL



# Shortfin Mako Sharks

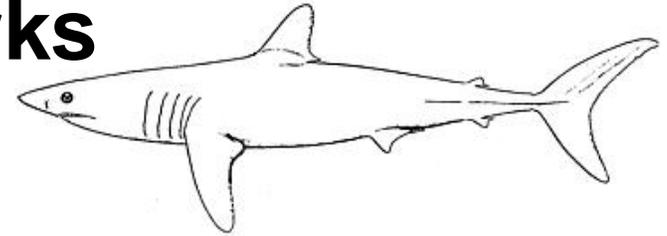


### Pelagic shark effort control

- C1 No Action. Keep shortfin mako sharks in the pelagic shark species complex and do not change the quota
- C2 Remove shortfin mako sharks from pelagic shark species quota and establish a shortfin mako quota
- C3 Remove shortfin mako sharks from pelagic shark species complex and place this species on the prohibited shark species list
- C4 Establish a commercial size limit for shortfin mako sharks
- C5 *Take action at the international level to end overfishing of shortfin mako – Preferred Alternative*
- C6 *Promote the release of shortfin mako sharks brought to fishing vessels alive – Preferred Alternative*



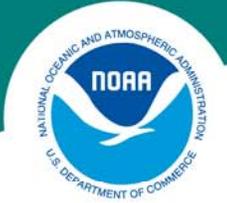
# Shortfin Mako Sharks



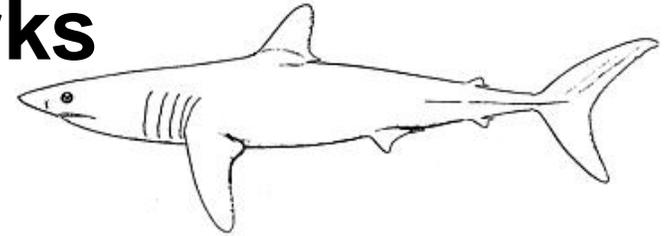
## Recreational fishery considerations

- E1 No Action. Maintain the current recreational retention and size limits for shortfin mako sharks
- E2 Increase the recreational minimum size limit of shortfin mako
- E3 *Take action at the international level to end overfishing of shortfin mako sharks– Preferred Alternative*
- E4 *Promote the release of shortfin mako sharks brought to fishing vessels alive – Preferred Alternative*
- E5 Prohibit landing of shortfin mako sharks in recreational fisheries (catch and release only)





# Shortfin Mako Sharks

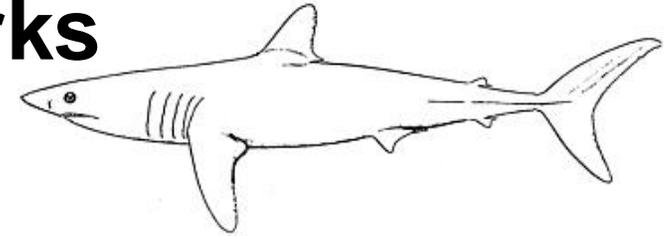


## Recreational fishery considerations

- E2 Increase the recreational minimum size limit of shortfin mako
  - E2a) Establish a minimum size limit for shortfin mako sharks that is based on the size at which 50 percent of female shortfin mako sharks reach sexual maturity or 108 inches FL
  - E2b) Establish a minimum size limit for shortfin mako sharks that is based on the size at which 50 percent of male shortfin mako sharks reach sexual maturity or 73 inches FL



# Shortfin Mako Sharks



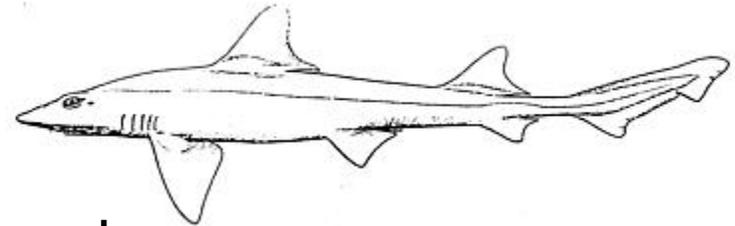
## Recreational fishery considerations

- E1 No Action. Maintain the current recreational retention and size limits for shortfin mako sharks
- E2 Increase the recreational minimum size limit of shortfin mako
- E3 *Take action at the international level to end overfishing of shortfin mako sharks– Preferred Alternative*
- E4 *Promote the release of shortfin mako sharks brought to fishing vessels alive – Preferred Alternative*
- E5 Prohibit landing of shortfin mako sharks in recreational fisheries (catch and release only)

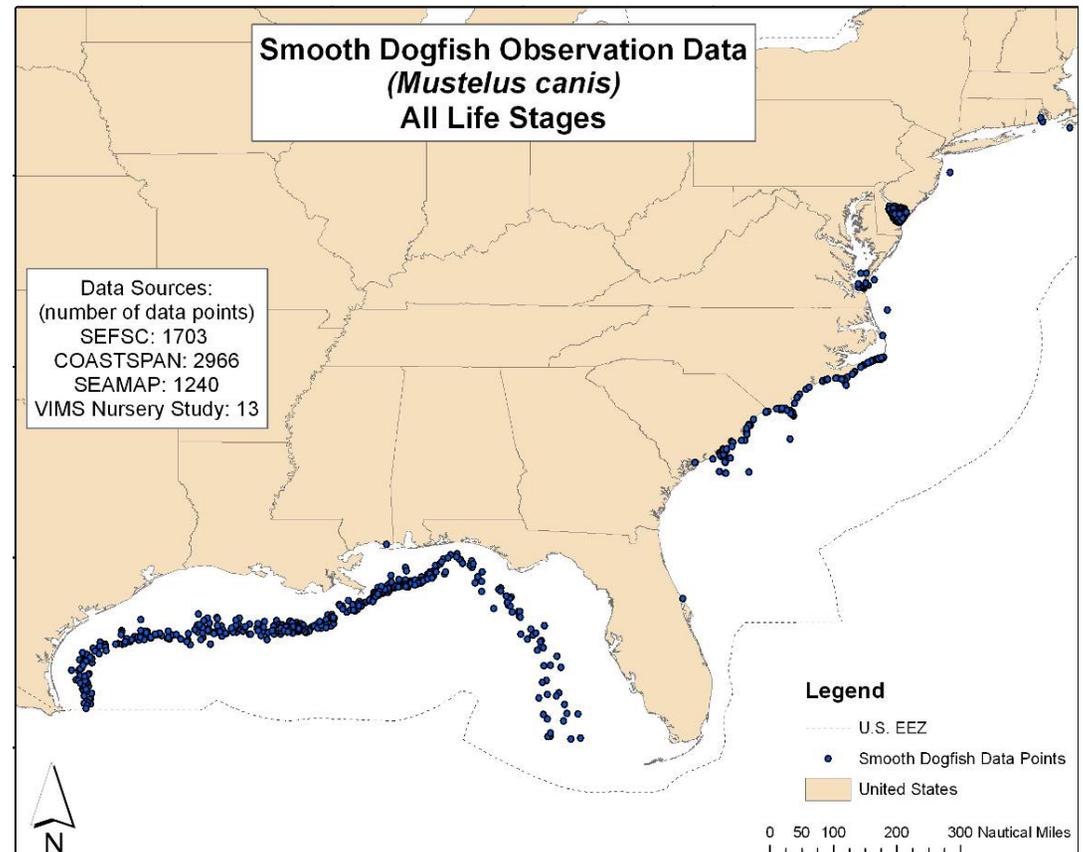


# Smooth Dogfish

## Background

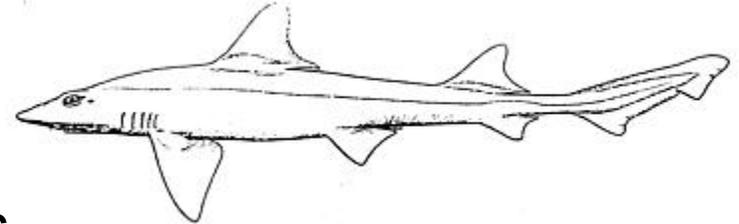


- Smooth dogfish are not federally managed
  - Incomplete catch data
- No stock assessment
  - Unknown stock status
- Taxonomic classification issues with the Florida smoothhound





# Smooth Dogfish



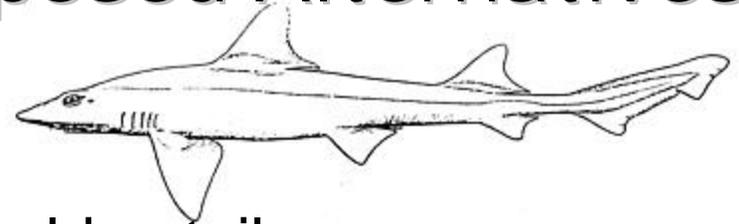
## Potential federal management measures

- F1 No Action. Do not add smooth dogfish under NMFS management
- *F2 Add smooth dogfish under NMFS Management and develop management measures, such as a federal permit requirement - Preferred Alternative*
- F3 Add smooth dogfish under NMFS management and mirror management measures implemented in the ASMFC Interstate Shark FMP



## Smooth Dogfish

### Proposed Alternatives



NMFS management in Alternative F2 would entail:

#### Yes

- Fins attached requirement
- Commercial and Recreational permits
- Open access permits
- Dealer reporting
- Gillnets would be an allowed gear (NC North)
- EFH designation
- Observer coverage, if selected
- A quota would be implemented (subalternatives)

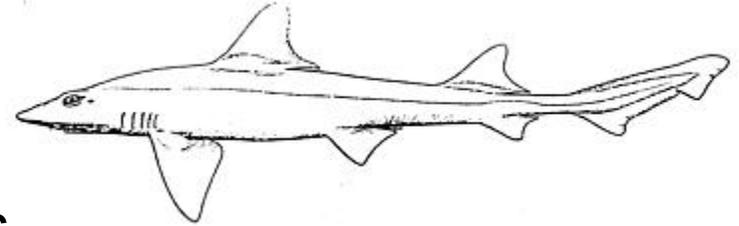
#### No

- No workshop requirements
- No logbook requirements
- Not intended to change the fishery
- No recreational size or retention limit
- No commercial size or retention limit



## Proposed Alternatives

# Smooth Dogfish



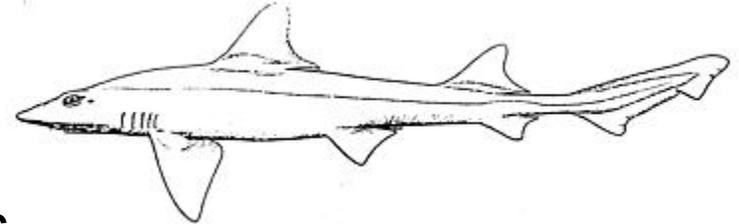
### Potential federal management measures

- *F2 Add smooth dogfish under NMFS Management and develop management measures, such as a federal permit requirement - Preferred Alternative*
  - F2a1) Establish a smooth dogfish quota that is equal to the average annual landings from 1998-2007 (950,859 lb dw)
  - F2a2) Establish a smooth dogfish quota equal to the maximum annual landings from 1998-2007 (1,270,137 lb dw)
  - *F2a3) Establish a smooth dogfish quota equal to the maximum annual landings from 1998-2007 plus one standard deviation (1,423,727 lb dw) – Preferred Alternative*



## Proposed Alternatives

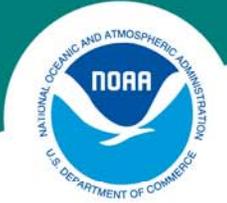
# Smooth Dogfish



### Potential federal management measures

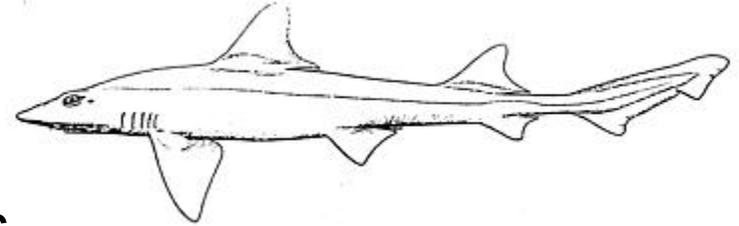
- *F2 Add smooth dogfish under NMFS Management and develop management measures, such as a federal permit requirement - Preferred Alternative*
  - *F2b1) Establish a separate smooth dogfish set-aside quota for the exempted fishing program – Preferred Alternative*
  - *F2b2) Establish a smooth dogfish set-aside quota for the exempted fishing program and add it to the current 60 mt ww set-aside quota for the exempted fishing program*





## Proposed Alternatives

# Smooth Dogfish

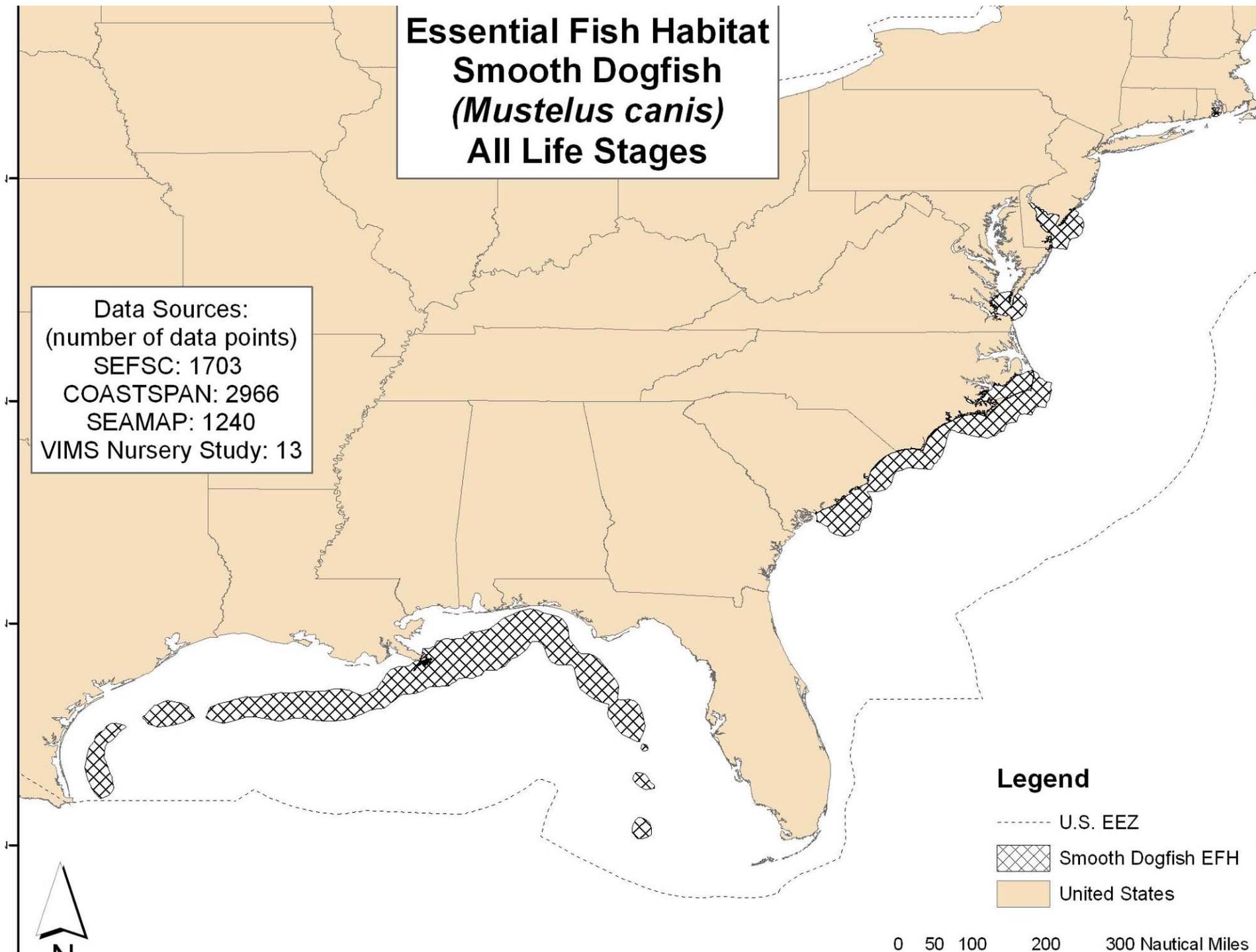


### Potential federal management measures

- F1 No Action. Do not add smooth dogfish under NMFS management
- *F2 Add smooth dogfish under NMFS Management and develop management measures, such as a federal permit requirement - Preferred Alternative*
- F3 Add smooth dogfish under NMFS management and mirror management measures implemented in the ASMFC Interstate Shark FMP

# Essential Fish Habitat Smooth Dogfish (*Mustelus canis*) All Life Stages

Data Sources:  
(number of data points)  
SEFSC: 1703  
COASTSPAN: 2966  
SEAMAP: 1240  
VIMS Nursery Study: 13



## Legend

- U.S. EEZ
- ▣ Smooth Dogfish EFH
- United States

0 50 100 200 300 Nautical Miles



## Request for Comments

Please submit comments to:

<http://www.regulations.gov>

Keyword - "0648-AW65"



Comment period closes on Sept. 25<sup>th</sup>, 2009

**Comments can also be submitted via fax:**

301-713-1917, Attn: Karyl Brewster-Geisz

**Or Mail:**

NMFS SF1, 1315 East-West Highway, Silver Spring, MD 20910

**Please identify comments with 0648-AW65**

For more information go to: <http://www.nmfs.noaa.gov/sfa/hms/>



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Regulations
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Advanced Notice of proposed rulemaking and recordkeeping and delayed effective date of recordkeeping provisions in the electronic signatures in Global and National Commerce Act of 2000	Mar 30, 2001
Medicare Program: Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B (CY 2010)	Aug 31, 2009
Endangered and Threatened Wildlife; Notice of 90-Day Finding on a Petition to List the Ribbon Seal as a Threatened or Endangered Species	May 27, 2008
Notice of Intent to prepare an EIS for the 5-yr program	Sep 21, 2009
Notice of Action Taken re: Northwest Airlines, Inc. & Ansett Australia Limited	Dec 21, 1998

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Title	Document Type	Summary	Agency	Document Id / Docket Id	
<a href="#">Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3</a>	PROPOSED RULES	...CFR Parts 229, 600, and 635 [Docket No. 080519678-8685-01] RIN 0648-AW65 Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3 AGENCY...	NOAA	NOAA-NMFS-2009-0157-0001	<a href="#">Submit a Comment</a> <a href="#">Open Docket Folder</a>
<a href="#">Comment from Nick &amp; Amy Ausman</a>	PUBLIC SUBMISSIONS		NOAA	NOAA-NMFS-2008-0195-0064.4	<a href="#">Open Docket Folder</a>





## Request for Comments

Additionally, NMFS requests comment on the following specific questions:

- 1) Are the commercial and research set-aside quotas for smooth dogfish appropriate?
- 2) Is the designated EFH for smooth dogfish accurate?
- 3) Is the number of vessels anticipated to participate in the smooth dogfish fishery accurate?
- 4) Is the boundary for the prohibition of gillnets appropriate?
- 5) Should gillnet fishermen still be required to carry VMS units?



## Request for Comments

Additionally, NMFS requests comment on the following specific questions:

- 6) Should smooth dogfish permit holders without a shark Limited Access Permit (LAP) be required to carry VMS units?
- 7) Should smooth dogfish permit holders without a shark LAP be required to tend their gear, have it attached to the vessel, and do net-checks at least once every 2 hours?
- 8) Should there be a recreational size and/or retention limit for smooth dogfish in federal waters?
- 9) Should smooth dogfish be allowed to be retained with trawl gear?



## Public Hearing Locations

<b>Date</b>	<b>Time</b>	<b>Hearing Location</b>	<b>Hearing City</b>
Aug 11, 2009	5 – 8 pm	Thomas B. Norton Library	Gulf Shores, AL
Aug 17, 2009	5 – 8 pm	Manteo Town Hall	Manteo, NC
Aug 20, 2009	5 – 8 pm	Lower Cape Library	Villas, NJ
Aug 31, 2009	3 – 6 pm	Gulf Beaches Public Library	Madeira Beach, FL
Sept 1, 2009	5 – 8 pm	Fort Pierce Library	Fort Pierce, FL
Sept 9, 2009	2:30 – 5 pm	HMS Advisory Panel Meeting	Silver Spring, MD
Sept 16, 2009	6 – 9 pm	Charleston Main Library	Charleston, SC
Sept 22, 2009	6 – 9 pm	Belle Chasse Auditorium	Belle Chasse, LA
Sept 22, 2009	5 – 8 pm	Portsmouth Public Library	Portsmouth, NH



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