

Future of the Shark Fishery Public Meeting and Public Comment Summary

National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Highly Migratory Species Management Division
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Background:

The National Marine Fisheries Service (NMFS) published an Advanced Notice of Proposed Rulemaking (ANPR) on September 20, 2010 (75 FR 57235), providing background information and requesting public comment on potential adjustments to the regulations governing the U.S. Atlantic shark fishery. Specifically, comments were sought to address several specific issues affecting management of the shark fishery and to identify goals for future actions. These issues included changes to the quota and/or permit structure and implementation of catch share (e.g., limited access privilege programs (LAPPs), individual fishing quotas, and/or sectors) for the Atlantic shark fishery. Six public meetings were held which included one at the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in Silver Spring on September 21-23, 2010. Comments from AP members are denoted in the summary. In some instances, comments were received by AP members and other members of the public. The other public meetings were held in Manahawkin, NJ; Manteo, NC; Ft. Pierce, FL; St. Petersburg, FL; and, Belle Chase, LA. The comment period closed on January 14, 2011. Nine written comments were received. The comments in this summary are subdivided into four themes including: quota structure, permit structure, catch shares, and general comments.

Quota Structure Public Comments:

Species Complexes/Quotas

Separate blacktip sharks from non-sandbar Large Coastal Sharks (LCS) and give them their own quota.

Do not include blacktip sharks in the Small Coastal Shark (SCS) complex (AP).

Spinner sharks should have a separate quota (AP).

NMFS should provide additional details concerning how the quota would be determined if blacktip sharks were separated in the Atlantic Ocean

Stock assessments cannot be performed quickly enough to manage on a species-specific basis.

Separate all SCS into species-specific quotas.

Blacknose sharks should be prohibited and then the non-blacknose quota would not be “held hostage.”

NMFS should consider splitting Atlantic sharpnose from the SCS complex and giving them their own quota.

Before implementing species-specific quotas, NMFS should provide information as to whether or not quotas will increase as a result.

NMFS should not go to species-specific quotas because it would be too difficult to keep track of the opening and closing dates for all the species and there would be an increase of discards.

Keep blacktip sharks within the LCS complex.

Quota structure should be tailored to facilitate effective management although changes to these measures will not solve the problems identified.

Species-specific management, based on stock assessments for each species, should be implemented (AP).

The number of stock assessments necessary to implement species-specific management presents an obstacle; prohibiting retention of several additional shark species that meet the criteria for prohibited species status (silky, tiger, lemon, nurse, scalloped hammerhead, smooth hammerhead, great hammerhead, shortfin mako, common thresher, porbeagle) would make the number of species requiring management attention a manageable one. NMFS should then implement species-specific quotas for blue, sandbar, blacktip, bull, spinner, Atlantic sharpnose, blacknose, finetooth, and bonnethead sharks (AP).

If you separate all the quotas, you would have to link spinners and blacktip in the GOM because they are caught together.

Only SCS should be managed as a complex.

Blacktip and spinner sharks should be their own complex called Medium Coastal Sharks (MCS).

“Bycatch” shark quotas are unnecessary because of the incidental permit (AP).

If the next stock assessment says blacknose sharks are still overfished, they should be a bycatch only fishery and not linked to the SCS complex quota.

The quota needs to be larger.

Regions

SCS, Sandbar, and Pelagic shark quotas should be split into regions (GOM and Atlantic at the Monroe/Dade County line) (AP).

Split the LCS and SCS quotas in the Atlantic into 2 or more regions.

Structure the quotas and opening dates to coincide with regional shark availability.

The State of LA should be allocated its own quota.

Do not divide the quota in the GOM into two regions.

Retention Limits

Allow some portion of the 33 LCS per trip to be sandbar sharks, allowing 8 or 10 sandbars will double the value of the retention limit.

NMFS should consider a 33 per day versus 33 per trip limit.

Permit Structure Public Comments:

Permit structure should be tailored to facilitate effective management although changes to these measures will not solve the problems identified.

Permit Stacking

Even if you implement permit stacking, you are still facing problems with state allocation.

Permit stacking could be a reasonable solution for the directed fishery.

Permit stacking would cause the quota to go even faster and would disadvantage fishermen that do not have access to multiple permits.

If you stack permits and double the trip limit to 66, then you should only allow 2 landings in a week or some other weekly trip limit.

Permit stacking would increase the economic benefits of a single fishing trip but increasing effort in this way will put more stress on the shark stocks.

Permit stacking should not extend to incidental permits (AP).

If you implement permit stacking, you should require 3 permits to get 2 trip limits. That way fishermen are paying for permit reductions. There could be different classes of permits, Class 1 = 1 permit and 1 trip limit, Class 2 = 2 permits and 1 ½ trip limits, Class 3 = 3 permits and 2 trip limits.

NMFS should limit permit stacking to 3 permits per vessel.

Permit structure changes, like permit stacking, may provide limited relief through reducing harvest costs, as fishermen would be allowed to harvest more sharks per trip; however, these

changes would exacerbate derby fishing and lead to shorter seasons, market gluts, and lower prices.

Permit stacking would require NMFS to reexamine vessel restrictions such as length, horsepower, etc. (AP).

NMFS should not reduce the number of directed Limited Access Permits (LAP) below 100. The remaining 150 permits could go into a reserve pool in case quotas increase and additional participation is warranted (AP).

Permit stacking should only be implemented if the permits match the effort needed to catch the annual quota.

Permit stacking would increase fishermen's ability to stay in the industry.

With permit stacking, how would NMFS deal with upgrading restrictions? Upgrading restrictions do not really make sense for the shark fishery because of trip limits and quotas.

Use-It or Lose-It Permits

If you have not been active in the fishery since 1999 when limited access went into place then you should lose your permit.

If NMFS implements a use it or lose it system, latent permits will be activated and the quota will go much faster.

Use it or lose it should not be implemented for incidental shark permits.

NMFS should consider a control date with a use-it or lose-it system.

If NMFS implements a use it or lose it system, a vested interest clause should be considered to offset losses people may incur because they spent \$10,000 on a permit that they may lose.

In a free-market system, if someone purchases permits and chooses not to use or sell them, it is, and should remain their prerogative to do so.

NMFS should consider a permit buyback system.

To address latent permits, if you are not using your permit you can keep them you just can not sell them.

Use it or lose it for directed shark LAPs could be employed to reduce latent effort. Seven to ten years is a reasonable period of inactivity. These permits could be transferred to a reserve pool for future consideration (AP).

Use it or lose it would lead to economically efficient outcomes.

Permits should remain a tradeable commodity among industry participants.

Individual directed shark permits for specific gear types (gillnet and bottom longline) should be implemented (AP).

Catch Share Public Comments:

Initial Allocation

If NMFS goes with catch shares, incidental permit holders may be disadvantaged during the initial allocations because they do not catch as many sharks.

NMFS needs to describe the allocation process involved in implementation of a regional sector.

NMFS needs to describe how splitting a quota within a sector would occur among all the regions.

Fishermen need to know more about how the quota allocation will work out under a catch share program before we can consider pros and cons. It is really hard to get our heads around such a program without knowing if we would be in or out of an Individual Fishing Quota (IFQ) or Individual Transferrable Quota (ITQ).

In order to categorize the shark fishery based on how fishermen are catching sharks relative to historical landings, you could have different categories of effort. For example, Category 1 fishermen put more effort into the fishery than Category 2 fishermen.

When NMFS considers allocations, they need to go back far enough when the regulations were more constant.

One way to account for fishermen who used to be active in the fishery is to use both historical and recent catch in the allocation decisions.

The initial allocation is always the hard part but, maybe after the stock improves, additional quota can be given to fishermen who did not receive an initial share (AP).

During any catch share allocation, NMFS should turn all permits that do not get a share into incidental permits.

Initial allocations for the shark fishery can and should be designed to meet the specific goals of this fishery. Allocation challenges are not unique to this fishery – many models for allocation exist from examples throughout the world.

If you put sandbar sharks into a catch share program, you would have more support from fishermen. If sandbar sharks are included, there might be more historical fishermen interested in getting back into the fishery.

If NMFS implements catch shares, the most involved permit holders (attended workshops, correctly ID sharks, filled out all their logbooks) need to be taken into consideration.

I support catch shares for the shark fishery (conditionally) but NMFS needs to describe how the initial allocation would be implemented.

One way to set up a pilot catch share would be to create a voluntary sector where participants bring their catch history to the sector.

Addressing Short Seasons/Derby Fishery

I am fine with the current derby fishery. NMFS should not extend the season to year-round and have more hooks in the water and more discards throughout the year. Open the season and let us go fishing; everyone has the same opportunity to go out when the season opens.

Sectors would still lead to a derby fishery and the better way to go would be with an IFQ program.

For the shark catch share, the goal of the fishery should be a year-round fishery which is the only way to maintain both a meat and fin market. Those who prefer a short-derby style fishery are only fishing for fins since fin prices stay stable. The meat requires a steady supply and year-round markets would raise the price.

The goal of the shark fishery should be to increase the value of the fishery and to maximize and stabilize prices. A derby fishery will not accomplish that.

Opposition to Catch Shares

NMFS should not implement sectors or catch shares for the shark fishery, the fishery should be kept as it is now.

Most fishermen we have talked to in North Carolina are opposed to catch shares (AP).

Catch shares would not stop fishermen from fishing in dangerous conditions because fish houses dictate when fishermen go fish.

Catch shares could also be bad for safety at sea because fishermen would spend money to pay back a portion of their revenue share instead of upgrading boats.

Non-fishing interests like Environmental Defense Fund might attempt to control quota share by buying catch shares (AP).

Support for Catch Shares

An IFQ system may work well for the shark fishery.

A shark catch share program could eliminate bycatch problems.

Use IFQs and sector catch share management to improve the conservation and economic performance of the commercial shark fishery.

Upcoming action should include at least one commercial catch shark pilot project.

IFQs and sector catch shares should be explored to improve the conservation and economic performance of the commercial shark fishery.

Catch shares have proven effective at providing fishermen flexibility to fish throughout the year when weather and market conditions are favorable.

This rulemaking should include at least one commercial catch share pilot project selected and designed with the help of fishery-specific advisory groups. The Gulf of Mexico (GOM) commercial LCS fishery should be a top priority because the need for better management is clear, IFQ infrastructure already exists, and many fishermen have already experienced benefits.

GOM Red Snapper (implemented in 2007) is a good model of an IFQ program, benefits include: longer season (88 days to year round), discards decreased by 70 percent, prices increased by 40 percent, and overfishing has ended.

NMFS should consider a pilot catch share program in the GOM.

My business (shark dealer) cannot sell “gluts” of shark associated with derby fishing. Reduced volumes of large coastal shark associated with an IFQ system that allow flexibility and year round access would be better. If other regions do not want IFQs now, please start in the Gulf of Mexico.

NMFS should consider the benefits of integrating the GOM reef fish and shark fisheries under an IFQ plan. IFQs result in better conservation of the resource and improved economic value for fishermen.

NMFS should consider an eastern GOM pilot program and provide details as to where the region would be split and how the quota would be allocated. NMFS could make the pilot similar to the shark research fishery.

Other Catch Share Comments

Will shark permit holders get to vote on whether or not to go with catch shares?

How would state water fishermen be affected by a catch share program?

The bottom line goal for the shark fishery is market value.

If directed shark fishermen receive 100 sandbar tags, then the sharks could be tracked and the quota regulated. The State of Virginia uses this system for striped bass and everyone has an equal share.

The shark research fishery is almost like a model for catch shares.

NMFS need to clarify whether an IFQ system would be for a directed or a bycatch fishery. If the fishery stays at status quo in terms of sandbar quota, then maybe a bycatch fishery is the way to go.

If there is a catch share or sector for the gillnet fishery, there should be no new participants allowed; keep it at its current size.

NMFS should hold a referendum before considering catch shares (AP).

The need to pay 3 percent of the gross value can be burdensome and have a negative impact on fisheries (AP).

General Public Comments:

Specific performance objectives for the shark fishery are necessary, including: promotion of improved accounting for total fishing mortality, high compliance, and effective enforcement; ensure compliance with quotas to allow year-round fishing; prioritizing allocation of allowable biological catch to annual catch limits over allotments for regulatory discards and bycatch; promoting high value uses of shark meat, fins, and recreation while minimizing harvest costs.

Existing derby management system contributes to quota over-harvests and overfishing, waste of sharks, and declining value of the fishery. This will continue in the GOM as long as several hundred vessels permitted in LA catch large quantities of (mostly) blacktip sharks.

Smaller quotas, removal of sandbar sharks from the complex, and a 33-shark retention limit did not end targeting of sharks and the positive outcomes predicted (year round fishery, higher prices, fewer discards, and reduced mortality) were not realized.

Sharks continue to be wasted and fishermen's costs have increased because the 33-shark retention limit forces them to race in/out of port with small loads.

NMFS should explore pilot projects to improve for-hire and private angler fishing performance. Recommend engagement with recreational shark fishermen and other stakeholders to reduce uncertainty in for-hire and private angler fishing. Shark mortality in recreational fishing is an important and inadequately understood component of total mortality for many sharks.

NMFS needs to better track landings in recreational fisheries, especially tournaments.

Tournaments should be required to report the number of sharks caught (killed and released) and provide information such as size or sex of sharks caught.

NMFS needs to update management plans and regulatory measures in a timely manner when new information becomes available (stock assessments, overfishing/overfished, or status of individual species or management units).

NMFS should limit the catch of protected (sea turtles, marine mammals, and seabirds) and prohibited species to reduce mortality by implementing a bycatch cap. For species listed under the Endangered Species Act, the level should be set such that the Incidental Take Statement (ITS) is not exceeded.

NMFS should take more timely action to ensure that quotas are not exceeded.

Shark fishing should be banned.

NMFS caters to commercial fishermen, thereby, destroying the environment.

List of Constituents That Submitted Written Comments

1. Michael F. Hirshfield, Oceana
2. Jason Delacruz
3. David Stiller
4. Keith Guindon
5. Jean Public
6. Sharon Young, The Humane Society of the United States
7. Pamela Baker, Environmental Defense Fund
8. Katelyn DeRuyter
9. Russell Hudson, Directed Sustainable Fisheries, Inc.

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