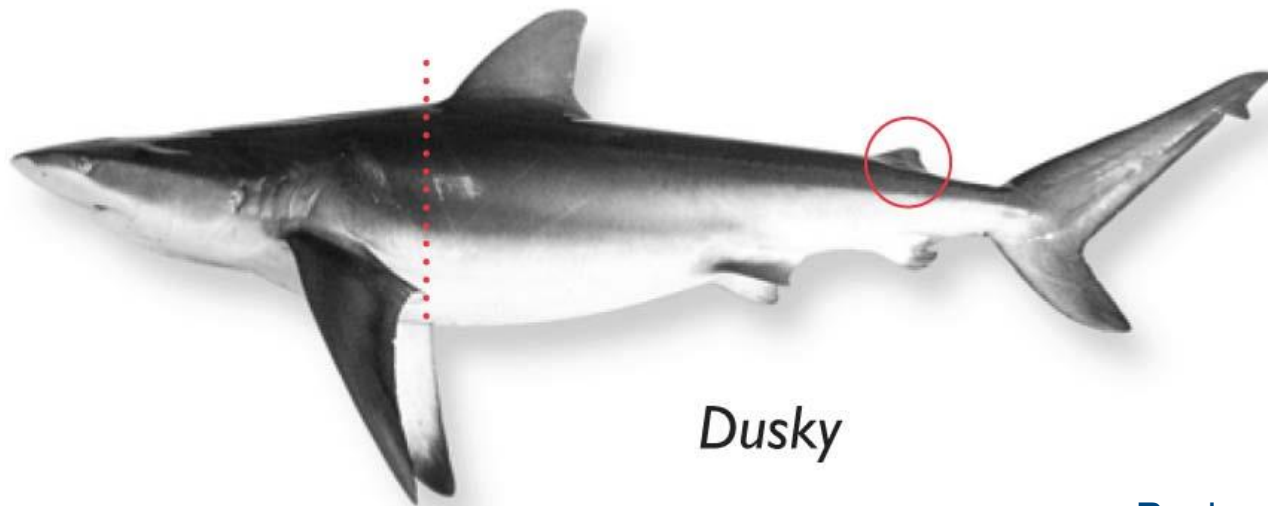




NOAA
FISHERIES

Atlantic Highly Migratory Species

Amendment 5b - Dusky Shark
Management Measures:
Proposed Rule



Dusky

Presented to
Regional Fishery Management Councils
and Marine Fisheries Commissions
Oct. – Dec. 2016

Outline

- Background
 - Management History
 - SEDAR 21 Update and Addendum
- Alternatives Considered
 - Recreational
 - Commercial
- ACLs and AMs for Prohibited Species
- Request for Comments

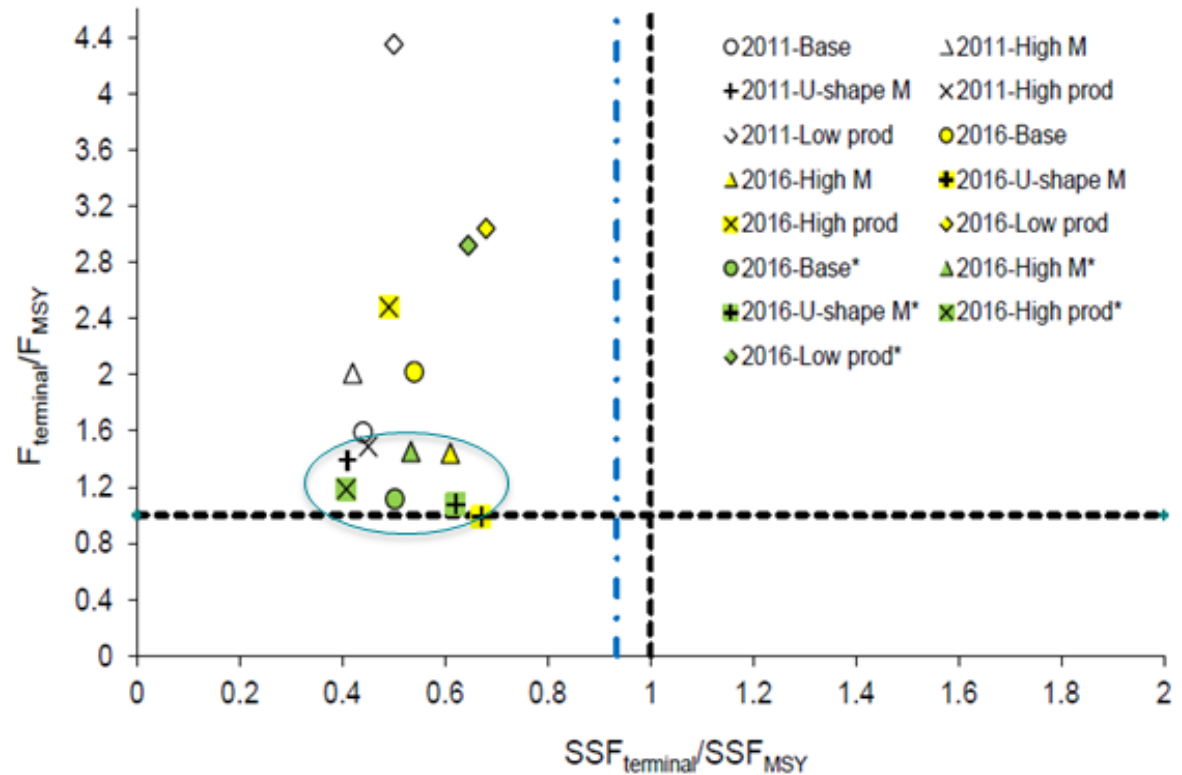


Management History

- 2000: Dusky sharks become a prohibited species
- 2006: First dusky shark assessment – overfished/overfishing
- 2008: Amendment 2 – rebuilding plan established (rebuild by 2108)
- Aug. 2011: SEDAR 21 – still overfished/overfishing
- Nov. 2012: Draft Amendment 5 & Proposed rule - multiple shark species
- April 2013: Notice of Intent for Amendment 5b – dusky shark specific
- March 2014: Amendment 5b Predraft released for comment
- Oct. 2015: Oceana filed complaint regarding dusky shark management
- May 2016: Settlement agreement reached --
 - Submit proposed rule to the Federal Register by 10/14/2016
 - Submit final rule to the Federal Register by 3/31/2017
- Oct. 2016:
 - SEDAR Update and addendum results - still overfished/overfishing
 - Draft Amendment 5b and proposed rule released

SEDAR 21 Update and Addendum

- Status determination published 10/5/2016 (81 FR 69043)
- Still overfished and experiencing overfishing
- Need to reduce fishing mortality by 35%
- Rebuild by 2107



The Preferred Alternatives

- The preferred alternatives should:
 - End overfishing on dusky sharks by reducing fishing mortality levels by at least 35% relative to 2015 levels
 - Ensure that fishing mortality levels on dusky sharks are maintained at or below levels that would result in rebuilding by 2107

Preferred Recreational Alternatives

Alternative A2

Require HMS permit holders fishing for sharks recreationally to obtain a shark endorsement, which requires completion of an online shark identification and fishing regulation training course, plus additional recreational fisheries outreach.

Alternative A6a

Require the use of circle hooks by all HMS permit holders fishing for sharks recreationally and when using natural baits and using wire or heavy (200 lb or greater test) monofilament or fluorocarbon leaders.

Preferred Commercial Alternatives

Alternative B3

Fishermen with an Atlantic shark limited access permit with pelagic longline gear onboard must release all sharks not being retained using a dehooker or cutting the gangion less than three feet from the hook.

Alternative B5

Require completion of a shark identification and fishing regulation training course as a new part of all Safe Handling and Release Workshops for HMS pelagic longline, bottom longline, and shark gillnet vessel owners and operators.

Alternative B6

Increase dusky shark outreach and awareness through development of additional outreach materials, and require HMS pelagic longline, bottom longline, and shark gillnet vessels to abide by a dusky shark fleet communication and relocation protocol.

Alternative B9

Require the use of circle hooks by all HMS directed shark permit holders using bottom longline gear.



Other Recreational Alternatives Considered

- **Alternative A1:** No action. Do not implement management measures to end overfishing and rebuild dusky sharks in the Atlantic recreational shark fishery
- **Alternative A3:** Require HMS permit holders fishing for sharks recreationally to have a NMFS – approved shark identification placard onboard when fishing for and/or retaining sharks
- **Alternative A4:** Prohibit retention of all ridgeback sharks, including oceanic whitetip, tiger, and smoothhound sharks, in the Atlantic recreational shark fishery
- **Alternative A5:** Increase the recreational minimum size to 89 inches fork length for all sharks
- **Alternative A6b:** Require the use of circle hooks by all HMS permit holders with a shark endorsement when fishing for sharks recreationally (when deploying natural bait while using a 5/0 or larger hook size)
- **Alternative A6c:** Require the use of circle hooks by all Atlantic HMS permit holders participating in fishing tournaments when targeting or retaining Atlantic sharks
- **Alternative A7:** Allow only catch and release of all Atlantic sharks by HMS permit holders. Anglers could fish for and target sharks but retention of all recreationally-caught sharks would be prohibited

Other Commercial Alternatives Considered

- **Alternative B1:** No action. Do not implement additional management measures to end overfishing and rebuild dusky sharks in commercial HMS fisheries
- **Alternative B2:** Fishermen with an Atlantic shark limited access permit and pelagic longline gear onboard would be limited to 750 hooks per pelagic longline set and no more than 800 assembled gangions onboard at any time
- **Alternatives B4a-h:** Prohibit the use of pelagic longline gear in HMS fisheries in various hotspot closures – Charleston Bump, Hatteras Shelf, Mid-Atlantic Bight Canyons, Southern Georges Bank
- **Alternative B4i:** Allow conditional access to dusky shark hotspot closure areas for HMS vessels fishing with pelagic longline gear
- **Alternative B4j:** Implement dusky shark bycatch caps in the pelagic longline fishery
- **Alternative B7:** Request that certain states (NJ, DE, MD, VA) and the ASMFC extend the end of existing Mid-Atlantic shark time/area closure from July 15 to July 31
- **Alternative B8:** Close the Atlantic HMS Pelagic Longline Fishery
- **Alternative B10:** Implement Individual Dusky Shark Bycatch Quotas (IDQs) for the commercial pelagic and bottom longline fisheries

Annual Catch Limits (ACLs) & Accountability Measures (AMs)

- Draft Amendment 5b clarifies ACLs and AMs for the 19 prohibited sharks

ACL = 0

Basking	Dusky	Sand Tiger	Sevengill	Bigeye Sand Tiger
Bigeye Thresher	Galapagos	Whale	Sixgill	Bigeye Sixgill
Bignose	Longfin Mako	White	Narrowtooth	Smalltail
Caribbean Reef	Night	Atlantic Angel	Caribbean Sharpnose	

- Small amounts of bycatch are permissible where the ACL is set to zero and the bycatch is small and does not lead to overfishing
- There is a small amount of bycatch and illegal landings of prohibited sharks; this bycatch is not causing overfishing for most species
- For dusky sharks, the small levels of bycatch are causing overfishing
- The measures proposed in Draft Amendment 5b are AMs
- Additional AMs are not needed for dusky sharks and other prohibited sharks

Specific Request for Public Comments

- **Mortality reduction and rebuilding objectives based upon SEDAR 21 update**
- **ACL and AM approach for prohibited sharks**
- **Alternative A2**
 - How can NMFS effectively implement the shark endorsement?
 - Appropriate effective date
 - Implementation strategy
- **Alternatives A6a and A6b**
 - Will the circle hook approach ensure the measure applies to the shark fishery?
 - Should different indicators of the recreational shark fishery be adopted?
 - Are ≥ 200 lb test monofilament or fluorocarbon leaders good indicators?
 - Is 5/0 or greater size hook a good indicator?
- **Paperwork Reduction Act collection of information necessity**

Request for Public Comments

Comment period closes on:

December 22, 2016

Please submit comments to:

<http://www.regulations.gov>

Keyword - “NOAA-NMFS-2013-0070”

Comments can also be submitted via fax: 301-713-1917, Attn: Tobey Curtis

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

Please identify comments with NOAA-NMFS-2013-0070

For more information go to: <http://www.nmfs.noaa.gov/sfa/hms/> or contact Tobey Curtis tobey.curtis@noaa.gov or Karyl Brewster-Geisz karyl.brewster-geisz@noaa.gov at (301) 427-8503



NOAA
FISHERIES

Atlantic Highly Migratory Species Draft Amendment 10 Essential Fish Habitat *Atlantic Region Only*

ASMFC
October 2016

HMS EFH... What Is It?

Magnuson-Stevens Act (MSA) identifies EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity”

- Sustainable Fisheries Act of 1996
- Federally managed species only
- May or may not include state waters
- Must be periodically reviewed and revised
- Cannot be designated in international waters

Timeline of HMS EFH Actions

- 1999:** EFH is first designated for Atlantic HMS
- 2003:** EFH updated for some species
- 2009:** Amendment 1 – 5-year review and update of EFH
- 2010:** Amendment 3 – Designated smoothhound EFH
Interpretive rule – Recognized roundscale spearfish, added it to the management unit, designated EFH
- 2014:** Atlantic HMS EFH 5-Year Review - Initiated
- 2015:** Atlantic HMS EFH 5-Year Review – Finalized; Notice Of Intent to prepare Amendment 10
- Sept 2016:** Draft Amendment 10 released

Draft Amendment 10 (EFH)

- Purpose:
 - Update EFH with recent information
 - Minimize to the extent practicable the adverse effects of fishing and non-fishing activities on EFH
 - Identify other actions to encourage the conservation and enhancement of EFH
- Need:
 - 5 Year Review Process and Public Consultation → new information
 - Revision of EFH is consistent with MSA requirements and National Standard 2 Guidelines

Draft Amendment 10 Alternatives

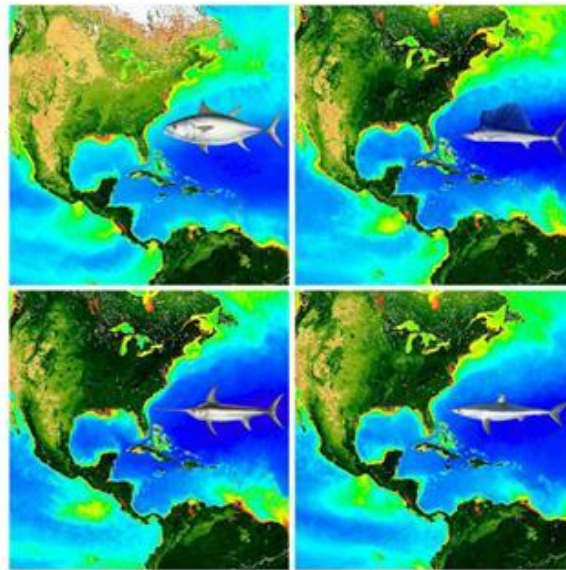
Atlantic Region Only

DRAFT

**Amendment 10 to the 2006 Consolidated
Atlantic Highly Migratory Species Fishery
Management Plan:**

Essential Fish Habitat

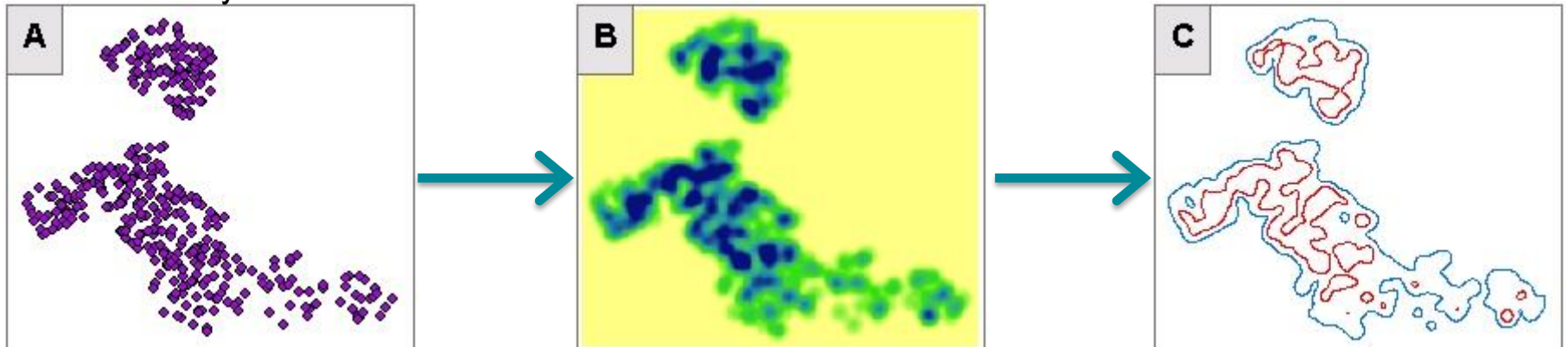
and Environmental Assessment



Draft Amendment Alternatives: EFH Delineation

- Alternative 1: No Action. Retain current EFH designations
- Alternative 2 (*preferred*): Update Atlantic HMS EFH with new data collected since 2009, using the protocols established under Amendment 1 (maps in Appendix D).

Kernal Density Estimation / 95% Volume Contour



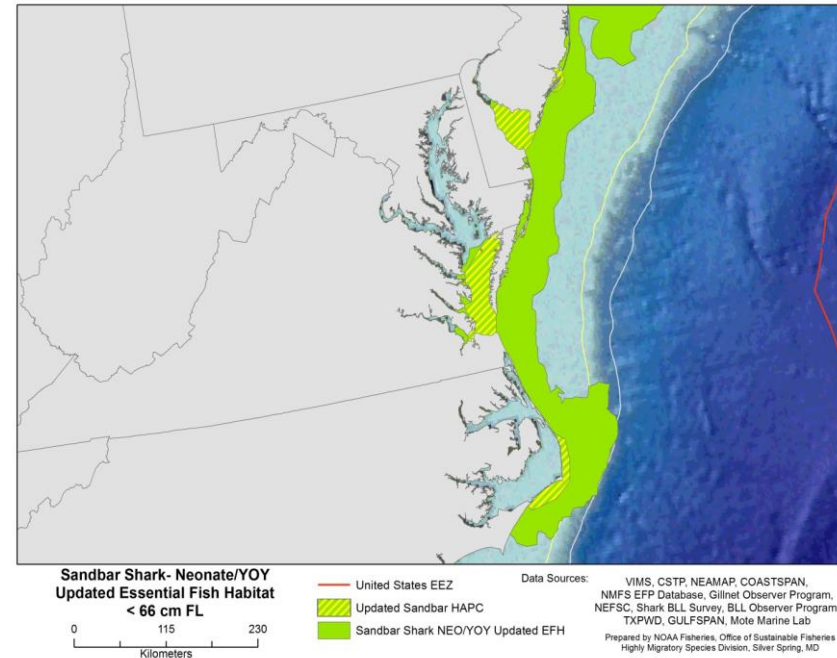
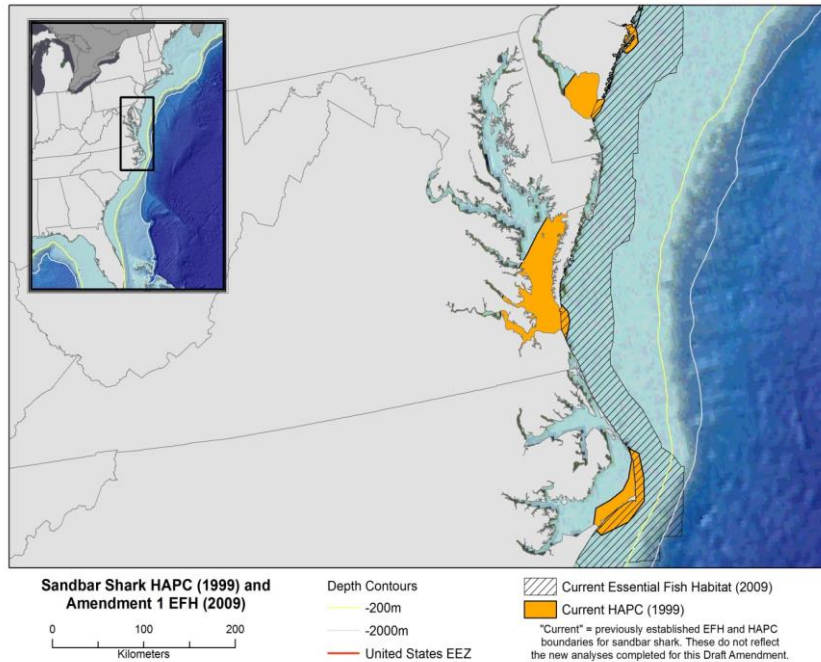
HAPC Alternatives

Habitat Areas of Particular Concern (HAPCs) are subsets of EFH that are one or more of the following:

- Rare
- Has particular ecological importance to a federally managed stock
- Is particularly susceptible to human-induced degradation
- Is located in an environmentally stressed area

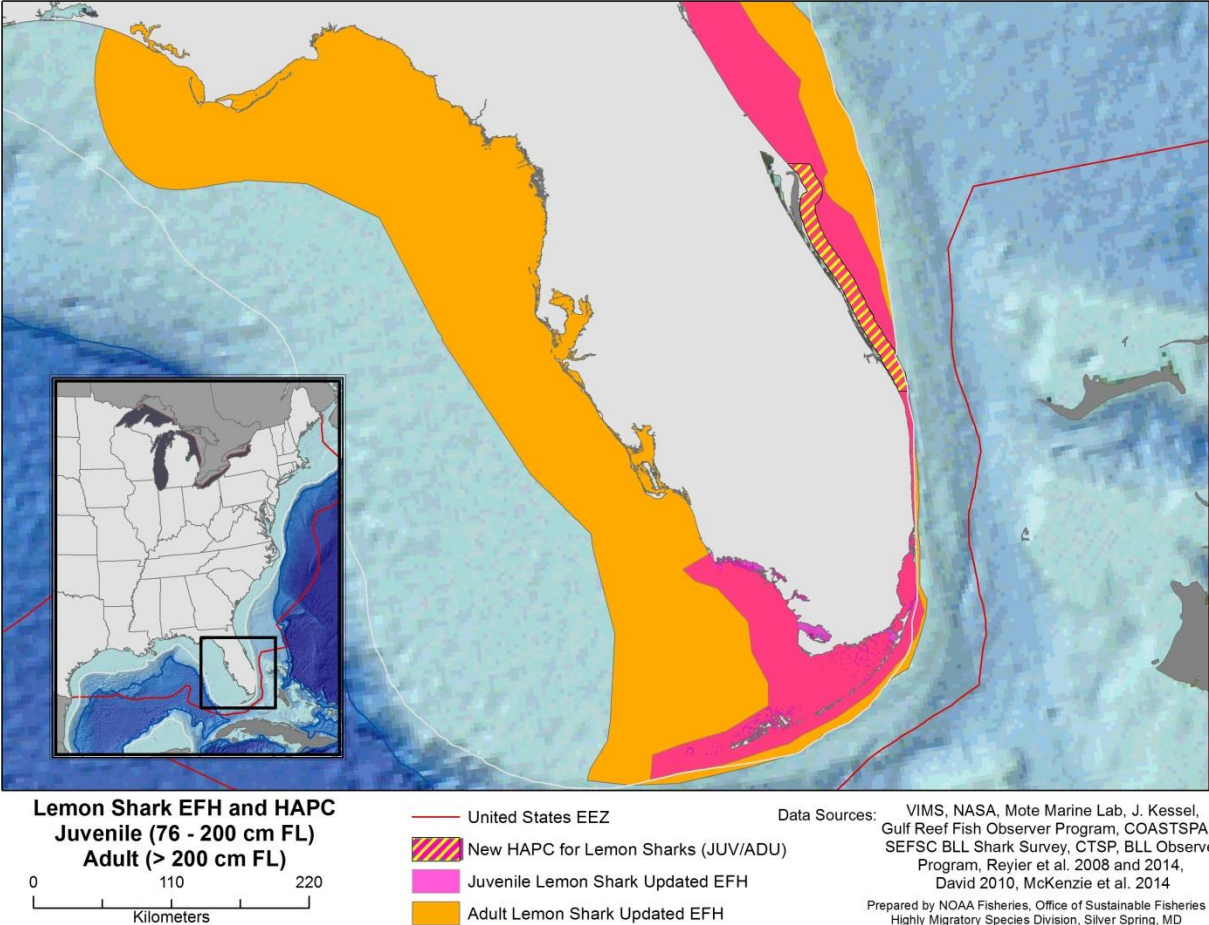
Draft Amendment Alternatives: HAPCs

- Alternative 4b
(preferred): Modify current HAPC for sandbar shark



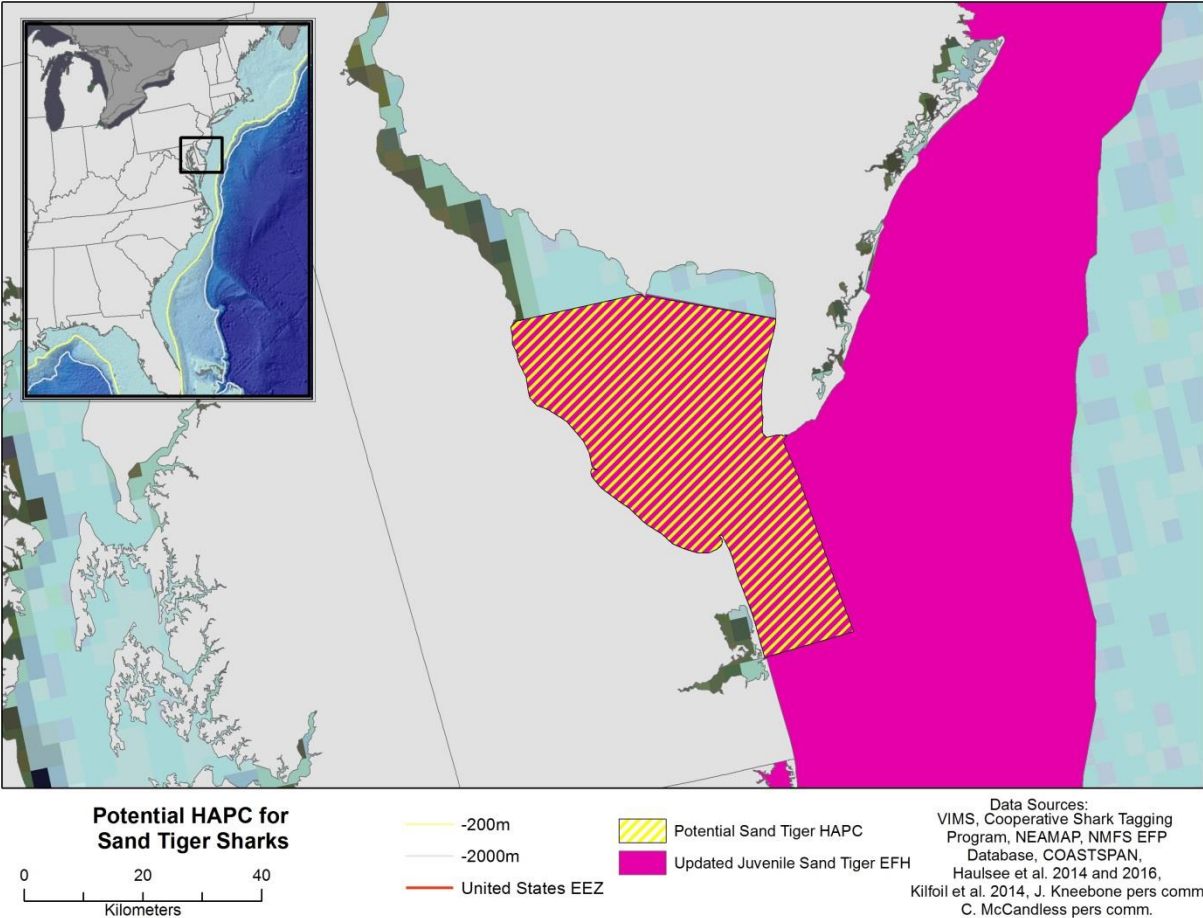
Draft Amendment Alternatives: HAPCs

- Alternative 5b
(preferred): Create a new HAPC for lemon sharks



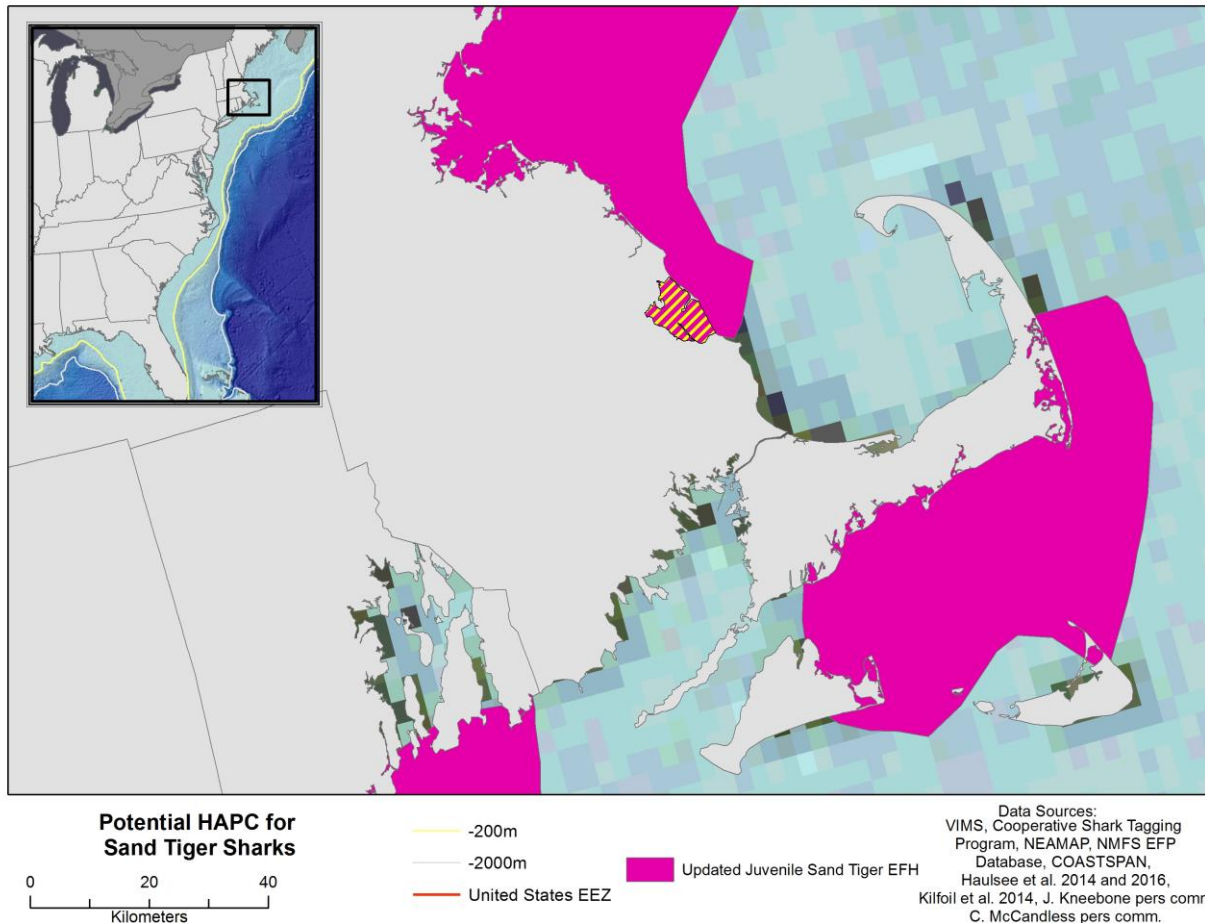
Draft Amendment Alternatives: HAPCs

- Alternative 6b
(preferred): Create new HAPCs for sand tiger shark



Draft Amendment Alternatives: HAPCs

- Alternative 6b (Continued)
(preferred): Create new HAPCs for sand tiger shark



Important to Note:

- EFH designations and Habitat Areas of Particular Concern (HAPCs) are NOT time/area closures
- Updating EFH boundaries in conjunction with implementing time/area closures would require notice and comment rulemaking and detailed ecological, economic, and social analyses.
- *There are no implementing regulations (i.e., restrictions on fishing and non-fishing activities) in the Draft Amendment.*

Timeline

- Draft Amendment released September 2016
- Webinar/Public Conference Calls:
 - November and December 2016
- Additional Opportunities for Public Input:
 - Council and Commission meetings (September, October, December)
- Comment Period Ends – **December 22, 2016**



**NOAA
FISHERIES**

Atlantic Highly Migratory Species Management

Modifying the Commercial Retention Limit For Blacknose Sharks and Non-Blacknose SCS in the Atlantic Region

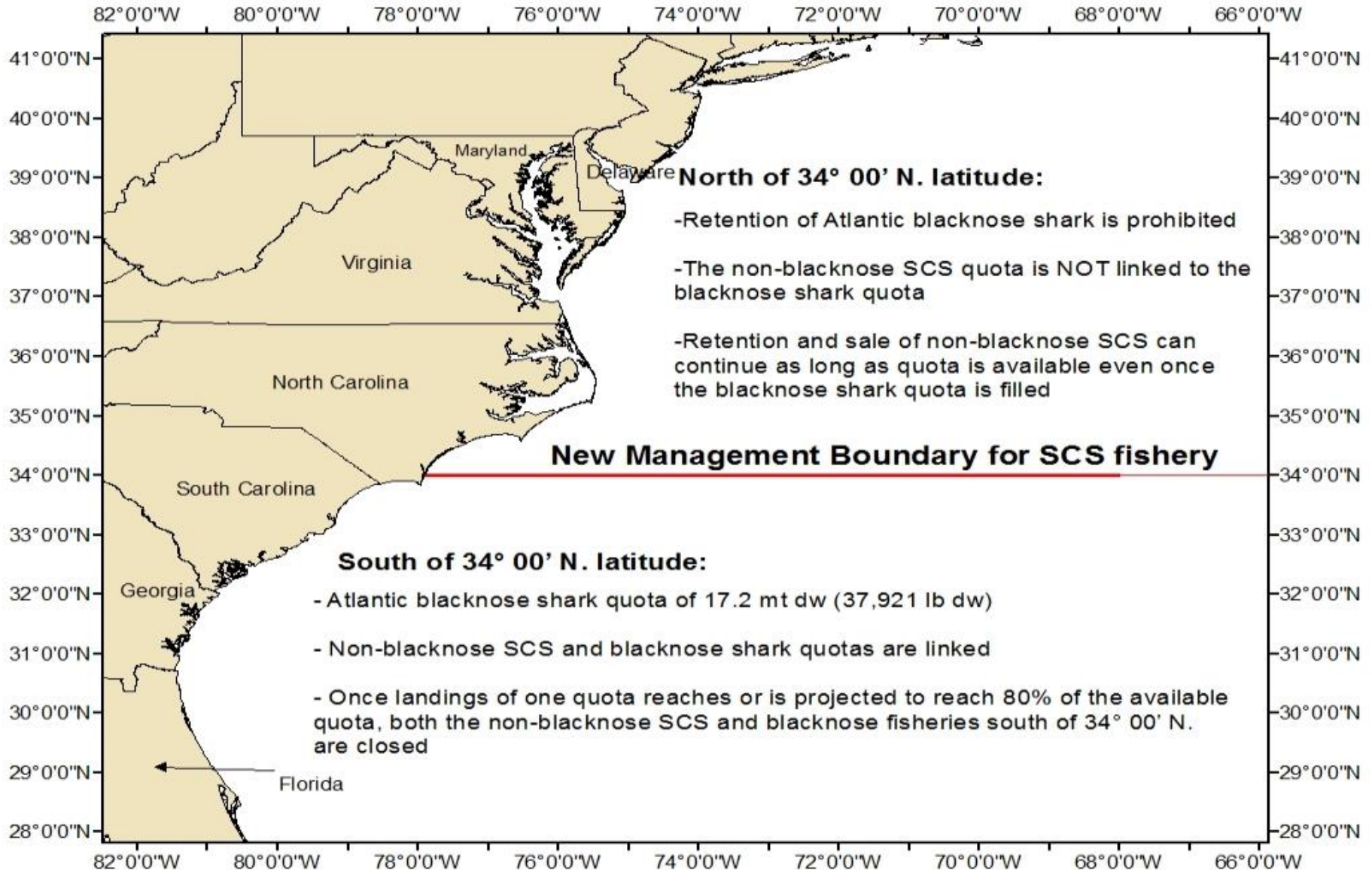


Presentation to the ASMFC
October 2016

Background

- 2007 Stock Assessment (SEDAR 13) – one stock; overfished/overfishing
- Amendment 3 Final Rule (June 1, 2010)
 - Established separate blacknose shark and non-blacknose SCS quotas, and linked the quotas
 - Encouraged all shark fishermen to avoid blacknose sharks
 - Stated that if fishermen continue to target blacknose sharks, NMFS would implement more management measures to ensure the rebuilding of the stock
- 2011 Stock Assessments (SEDAR 21) – two stocks; Atlantic: overfished/overfishing
- Amendment 5a Final Rule (July 3, 2013) – continued quota linkage
- Amendment 6 Final Rule (August 18, 2015)
 - Established management boundary at 34 N. lat.
 - Blacknose can only be landed south of that boundary
 - Quota linkage continues

Amendment 6 (August 18, 2015)



Current Issues

- Some fishermen have been landing large numbers of blacknose sharks
- Non-blacknose SCS fishery has closed early due to the quota linkage (e.g., September 2013, July 2014, June 2015, and May 2016)
- The non-blacknose SCS quota has been underutilized, as all SCS must be discarded once the fisheries are closed
- Blacknose shark quota exceeded in 2012 and 2015

These issues have resulted in comments from fishermen and a request from the SAFMC to address discards of non-blacknose SCS in the Spanish mackerel gillnet fishery

Alternatives

- Alternative 1: No Action. Do not implement any new commercial retention limit for small coastal sharks in the Atlantic region south of 34°00'N. latitude. Do not adjust the blacknose shark baseline quota
- Alternative 2: Establish a commercial retention limit of non-blacknose SCS for shark directed limited access permit holders in the Atlantic region south of 34°00'N. latitude once the blacknose shark quota is reached and adjust the blacknose shark quota to account for dead discards
 - 3 Sub-alternatives with retention limit ranging from 50 to 250 non-blacknose SCS; resulting blacknose quota ranging from 15 to 6.1 mt dw, respectively
- Alternative 3: Establish a commercial retention limit for blacknose sharks for all Atlantic shark limited access permit holders in the Atlantic region south of 34°00'N. latitude
 - 3 Sub-alternatives with retention limit ranging from 50 to 8 blacknose sharks
 - **Preferred alternative = 8 blacknose sharks per trip**

Alternative 3 in detail

Retention limits and number of trips per year for Atlantic blacknose sharks under the different potential alternatives.

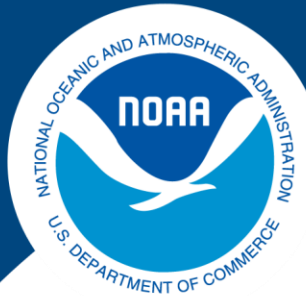
Alternatives	(A) Retention Limit	(B) Average Weight of Blacknose Shark Landings per Trip ($A \times 5 \text{ lb dw} = B$) ¹	(C) Number of Trips per Year That Could Land the Blacknose Shark Quota ² (number) ($37,921 / B = C$)
3a	50	250 lb dw	113
3b	16	80 lb dw	354
3c	8	40 lb dw	707
Average (2010-2015)	-	212 lb dw	207

¹ Column B: Average weight of blacknose sharks with gillnet gear = 5 lb dw

² Assuming each trip lands the full retention limit

Timeline

- 1) Proposed rule published on August 3, 2016
- 2) Proposed rule public hearing/webinar in August 2016
- 3) Discussions at the HMS AP Meeting (Sept 7-8) and SAFMC (Sept 14-15)
- 4) Comment Period Ended – September 20, 2016
- 5) Target effective for 2017 commercial shark fishing season



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Atlantic Highly Migratory Species

**Proposed Rule to
Establish the Quotas, Opening Dates, and
Retention Limits for the 2017 Atlantic Shark
Commercial Fishing Season**
Atlantic Region Only

Presented to ASMFC

October 2016

Shark 2017 Proposed Shark Season Rule

- Published on 8/29/2016 (81 FR 59167)
- Proposed some adjustments to base quotas due to over- and underharvests
 - ↑ the Atlantic smoothhound shark management group quota based on underharvests: 600.9 mt dw (1,323,862 lb dw)
 - No change to the Atlantic blacknose shark quota; underharvest in 2016 accounted for all previous overharvests
- Proposed to open all shark management groups approx. 1/1/2017
- Proposed 36 LCS other than sandbar sharks/vessel/trip commercial retention limits for directed permit holders
 - If quota is landed too quickly (e.g. if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates inseason reduction (e.g., to 3 or fewer LCS other than sandbar sharks/vessel/trip). We would consider an inseason increase (for example, to 45 LCS other than sandbar sharks/vessel/trip) after considering the criteria for inseason adjustments around July 15, 2017
- Comment Period Ended September 28, 2016

2017 Proposed Adjusted Quotas, Retention Limits, and Opening Dates

Region or Sub-region	Management Group	2017 Annual Adjusted Quota	Quota Linkage	Commercial Retention Limits for Directed Shark Limited Access Permit Holders (inseason adjustments are possible)	Season Opening Dates
Atlantic	Aggregated Large Coastal Sharks	168.9 mt dw (372,552 lb dw)	Linked	36 large coastal sharks other than sandbar sharks per vessel per trip If quota is landed too quickly (e.g. if approx. 20% of quota is caught at the beginning of the year), NMFS anticipates inseason reduction (e.g. to 3 or fewer large coastal sharks other than sandbar sharks per vessel per trip). We would consider an inseason increase (for example, 45 large coastal sharks other than sandbar sharks per vessel per trip) after considering the criteria for inseason adjustments around July 15, 2017.	Jan 1, 2017
	Hammerhead Sharks	27.1 mt dw (59,736 lb dw)			
	Non-Blacknose Small Coastal Sharks	264.1 mt dw (582,333 lb dw)	Linked (South of 34° N. lat. only)	N/A	
	Blacknose Sharks (South of 34° N. lat. only)**	17.2 mt dw (37,921 lb dw)			
	Smoothhound Sharks	1,802.6 mt dw (3,971,587 lb dw)*	Not Linked	N/A	
No regional quotas	Non-Sandbar LCS Research	50.0 mt dw (110,230 lb dw)	Linked	N/A	Jan 1, 2017
	Sandbar Shark Research	90.7 mt dw (199,943 lb dw)			
	Blue Sharks	273.0 mt dw (601,856 lb dw)	Not Linked	N/A	
	Porbeagle Sharks	1.7 mt dw (3,748 lb dw)			
	Pelagic Sharks Other Than Porbeagle or Blue	488.0 mt dw (1,075,856 lb dw)			

*Base quota adjusted based on underharvest in 2016.

**NMFS proposes to use the 2016 underharvest to cover the remainder of the 2012 and 2015 overharvests.

Add'l Information Considered Regarding the Opening Date

- In December 2015, NMFS received extensive public comments concerning the lemon shark aggregation off the east coast of Florida and the 1/1/2016 opening date
- 12/8/2015 Petition to postpone January 1 opening date
 - Challenged decision to open commercial fishing for Florida sharks and requested an emergency hearing to delay the start date
 - NMFS denied the request:
 - Provided no new or additional information that was not previously considered by the agency
 - Did not present recent, unforeseen events, recently discovered circumstances, or serious conservation or management problems in the fishery
- NMFS gave a presentation on the biology and current stock status of lemon sharks at the March 2016 HMS Advisory Panel meeting