

# Atlantic States Marine Fisheries Commission

## Coastal Sharks Management Board

*August 2, 2016  
3:45 – 4:30 p.m.  
Alexandria, Virginia*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

- |  |           |
|--|-----------|
| Welcome/Call to Order ( <i>A. Nowalsky</i> )   | 3:45 p.m. |
| 1. Board Consent   | 3:45 p.m. |
| • Approval of Agenda   |           |
| • Approval of Proceedings from May 2016  |           |
| 2. Public Comment  | 3:50 p.m. |
| 3. Draft Addendum IV for Final Approval <b>Final Action</b>  | 4:00 p.m. |
| • Review Options ( <i>A. Harp</i> )  |           |
| • Summary of Public Comment ( <i>A. Harp</i> )   |           |
| • Advisory Panel Report ( <i>L. Gillingham</i> )   |           |
| • Law Enforcement Committee Report ( <i>M. Robson</i> )  |           |
| • Consider Final Approval of Addendum IV   |           |
| 4. Consider 2015 FMP Review and State Compliance for Coastal Sharks ( <i>A. Harp</i> ) <b>Action</b> | 4:15 p.m. |
| 5. Review and Populate Advisory Panel Membership ( <i>A. Harp</i> ) <b>Action</b>                    | 4:20 p.m. |
| 6. Elect Vice-Chair <b>Action</b>  | 4.25 p.m. |
| 7. Other Business/Adjourn  | 4:30 p.m. |

The meeting will be held at The Westin Alexandria, 400 Courthouse Square, Alexandria, Virginia; 703.253.8600

# MEETING OVERVIEW

## Coastal Sharks Management Board Meeting

August 2, 2016

3:45 – 4:30 p.m.

Alexandria, Virginia

Chair: Adam Nowalsky (NJ) Assumed Chairmanship: 10/14	Vice Chair: VACANT	Law Enforcement Committee Representative: Chrisolm Frampton
Coastal Shark Technical Committee Chair: Carolyn Belcher (GA)	Coastal Shark Advisory Panel Chair: Lewis Gillingham (VA)	Previous Board Meeting: May 5, 2016
Voting Members: ME, MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS, USFWS (15 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2016

3. Public Comment – At the beginning of the meeting public comment will be taken on items not on the Agenda. Individuals that wish to speak at this time must sign in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

<b>3. Draft Addendum IV for Final Approval - Final Action (4:00 – 4:15 p.m.)</b>
<b>Background</b> <ul style="list-style-type: none"> <li>• Draft Addendum IV proposes to amend the Coastal Sharks FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch, by weight, is composed of at least 25 percent smooth dogfish at the time of landing.</li> <li>• The alternative option (catch composition requirement) in Draft Addendum IV is consistent with federal regulations put into place via Amendment 9 to the Atlantic HMS FMP.</li> <li>• Status quo: Commercial fishermen to land smooth dogfish carcasses with corresponding fins removed from the carcass, year-round. Current management measures were implemented via Addendum II to the Coastal Sharks FMP.</li> </ul>

- **Draft Addendum IV, Public Comment Summary, Advisory Panel Report and Law Enforcement Report in Briefing Materials**

**Presentations**

- Review Options in Draft Addendum IV (*A. Harp*)
- Summary of Public Comment (*A. Harp*)
- Advisory Panel Report (*L. Gillingham*)
- Law Enforcement Committee Report (*M. Robson*)

**Board Actions for Consideration at this Meeting**

- Review and consider final approval of Addendum IV

**4. Consider 2015 FMP Review and State Compliance for Coastal Sharks – Action (4:20 – 4:25 p.m.)**

**Background**

- State compliance reports are due on August 1.
- The Plan Review Team reviewed each state report and drafted the 2015 FMP Review. **(Supplemental Materials)**

**Presentations**

- Overview of the 2015 Fishery Management Plan Review by A. Harp

**Board Actions for Consideration at this Meeting**

- Accept the 2015 Fishery Management Plan Review and approve *de minimis* requests

**5. Review and Populate Advisory Panel Membership - Action**

**Background**

- Katie Westfall (Environmental Defense Fund) was nominated to the Coastal Sharks Advisory Panel **(Briefing Materials)**
- States to consider re-populating the Advisory Panel

**Presentations**

- Nominations by A. Harp

**Board Actions for Consideration at this Meeting**

- Approve nominations

**6. Elect Vice-Chair (Action)**

**7. Other Business/Adjourn**

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
COASTAL SHARKS MANAGEMENT BOARD**

**The Westin Alexandria**  
Alexandria, Virginia  
**May 5, 2016**

These minutes are draft and subject to approval by the Coastal Sharks Management Board.  
The Board will review the minutes during its next meeting.

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**INDEX OF MOTIONS**

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of February 2016 by consent** (Page 1).
3. **Move to approve Addendum IV for public comment** (Page 5). Motion by John Clark; second by Bill Adler. Motion carried (Page 5).
4. **Motion to adjourn** by consent (Page 5).

**ATTENDANCE**

**Board Members**

Dan McKiernan, MA, proxy for D. Pierce (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Bill Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	Cathy Davenport, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Colleen Giannini, CT, proxy for D. Simpson (AA)	Rep. Bob Steinburg, NC (LA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Douglas Brady, NC (GA)
Mike Falk, NY, proxy for Sen. Boyle (LA)	Robert Boyles, Jr., SC (AA)
Emerson Hasbrouck, NY (GA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Nancy Addison, GA (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	James Estes, FL, proxy for J. McCawley (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Wilson Laney, USFWS
John Clark, DE, proxy for D. Saveikis (AA)	Margo Schultz-Haugen, NMFS

**(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)**

**Ex-Officio Members**

**Staff**

Robert Beal	Katie Drew
Toni Kerns	Ashton Harp

**Guests**

Kelly Denit, NMFS	Karyl Brewster-Geisz, NMFS
Clifford Hitt, NMFS	Ray Kane, CHOIR
Jeff Deem, VMRC	Arnold Leo, E. Hampton, NY

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 5, 2016, and was called to order at 9:48 o'clock a.m. by Chairman Adam Nowalsky.

#### **CALL TO ORDER**

CHAIRMAN ADAM NOWALSKY: Good morning everyone. I would like to convene the Coastal Sharks Management Board. My name is Adam Nowalsky; I'll be Chairing the Board this morning. To my left I've got FMP Coordinator, Ashton Harp. Our primary order of business today will be to review and consider the approval of Addendum IV for public comment.

Before we get to that point I would first like to welcome a couple of new faces here that we've got today; Colleen from Connecticut, Mike from New York to the Coastal Sharks Management Board. With that we'll move into the agenda. Our first order of business will be to approve the agenda as presented here.

#### **APPROVAL OF AGENDA**

CHAIRMAN NOWALSKY: Are there any changes to the agenda? Is there any objection to accepting the agenda as presented? Seeing none; the agenda is approved.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN NOWALSKY: Our next order of business is to approve the proceedings from the February, 2016 board meeting. Are there any comments, discussion or changes to those proceedings? Seeing none; is there any objection to accepting those proceedings? Those proceedings are hereby approved.

CHAIRMAN NOWALSKY: Next order of business is for any public comment not on the agenda. There was nobody signed up. Is there anyone from the audience who would like to speak on any issues not on the agenda? Seeing none; we'll move on to our next order of business, which is a presentation from Ashton on Addendum IV.

#### **REVIEW AND CONSIDER APPROVAL OF ADDENDUM IV FOR PUBLIC COMMENT**

CHAIRMAN NOWALSKY: This addendum today is being presented as a draft that would go out for public comment with any changes discussed today. I'll turn to Ashton for a presentation.

MS. ASHTON HARP: At the request of the board in February, the PDT developed draft Addendum IV, which I'll walk through today. The presentation is divided into three parts. First of all going into the smooth dog fish background and that is the species of focus for this addendum. Then I'll move into the catch composition analysis, which is the regulatory issue that we'll be discussing in this addendum.

Lastly, I'll walk through the smooth dogfish management options, and as I mentioned, the board has the potential to approve this for public comment. It will then go to public hearings and written comment over the summer, and I would present the summary of those at the August board meeting.

Smooth dogfish, a little bit about the species, it is the only species within the smoothhound complex that is found in the Atlantic, and oftentimes we use the word smoothhound and smooth dogfish interchangeably. But for the purposes of this addendum we want to be species specific, and that is because of the Shark Conservation Act. Within the Act there is a limited exception on the fins naturally attached to policy. It allows for individuals engaged in commercial fishing for smooth dogfish, to remove fins at sea, provided they meet certain requirements; which I'll discuss in the next slide.

Prior to 2016, smooth dogfish were only managed in state waters. They were not part of the highly migratory species FMP prior to 2016. This slide provides information about how smooth dogfish processing at sea is managed in state waters. A commercial fisherman can land smooth dogfish carcasses, with corresponding



fins removed from the carcass, provided they meet certain requirements.

They must possess a valid state commercial fishing license, and the fin to carcass ratio is set at 12 percent. They automatically already meet two other requirements, which is to be fishing within 50 nautical miles of the baseline of an Atlantic state; Maine through Florida. The two bullets that you see on the board were included in Addendum II and are consistent with the Shark Conservation Act.

Now, in federal waters, smooth dogfish is managed effective March 15th of 2016, and Amendment IX is how they became effectively managed by the Highly Migratory Species division. Included in Amendment IX is a catch composition requirement for federally permitted vessels, in order to remove smooth dogfish fins at sea.

This requirement came from NOAA Fisheries interpretation of the Shark Conservation Act phrase that says; one must be fishing for smooth dogfish in order for the limited exception to apply. They defined this kind of directed effort as, a trip where smooth dogfish comprised at least 25 percent, by weight, of the total retained catch onboard at the time of landing.

This brings us to the February motion. The board made a motion to initiate an addendum to address the processing at sea disconnect between federal and state waters. There is only one issue in this addendum, and it is the catch composition requirement. Now we're moving into the body of the addendum that was presented in meeting materials.

As I mentioned, there are differing regulations in state versus federal waters now. Currently vessels with a federal smoothhound commercial permit, must comply with the 25 percent catch composition requirement; whereas fishermen with a state commercial fishing license are not held to any catch composition requirement.

You may be asking yourself, well why 25 percent? We discussed this a little bit at the last board meeting, but I'll just briefly go into it again. Public comment during the Amendment IX rule making process, and landings data, indicate the smooth dogfish fishery is very much a mixed fishery. There was consideration of a higher catch composition, meaning the majority of the catch on the boat would have had to have been smooth dogfish, in order to process at sea.

But this was ultimately not used, given the multispecies nature of this fishery. Anything higher than 25 percent was deemed inappropriate, because it would only increase regulatory discards. That is because fishermen generally start processing smooth dogfish once it is brought onboard. This is done immediately, so the shark meat will not spoil. When we started analyzing the catch composition analysis, we went to the data availability. The PDT had a discussion about what data was available, and what could be used for this addendum. We ultimately used the available data from the federal vessel trip reports, to analyze catch composition on smooth dogfish trips. We would have liked to have used or looked at a state-by-state analysis, or a coastwide analysis, but data limitations did not allow us to do this.

For example, when I first went to the PDT and we kind of wanted to see smooth dogfish landings just in the harvest from state waters versus federal waters. We could not see that so we were road blocked pretty quickly on the amount of data that we had. As far as where smooth dogfish are harvested, we could only see it by statistical area.

Those statistical areas where smooth dogfish are harvested ride the line between the federal and state boundaries. There is a lot of fishing around the three-mile line, but at this time we cannot attribute it to state or federal waters. A little bit going into the data, this chart shows landings by gear type.

As you can see, a large portion of this fishery uses sink gillnets to harvest smooth dogfish. As shown here, as much as 75 percent of landings are attributed to sink gillnet gear. We focused on sink gillnet gear for this addendum. The species caught in sink gillnet gear, the pie chart shows that smooth dogfish is a dominant target species, with 39 percent of the sink gillnet catch.

Often other species, along with the targeted species are caught as well. In this case other species include spiny dogfish at 8 percent, bluefish at 29 percent, and croaker at 8 percent. This table I am going to take a minute to explain. Each column represents the year from 2003 to 2014. The first row shows the number of sink gillnet trips within each year that landed a smooth dogfish.

It ranges from 550 trips to more recently 1,300 trips. Then the second row further looks into, of these trips that are landing smooth dogfish, how many would meet the 25 percent catch composition requirement? On average, almost half of the reported trips would meet the 25 percent catch composition requirement, and would be considered a directed fishing trip.

Then we also looked at, of the overall landings for sink gillnets, how many smooth dogfish were on those trips? This pie chart shows that highliner trips, meaning trips where smooth dogfish comprised 75 percent of the overall catch onboard, are responsible for the majority of smooth dogfish landings, so in fact they're responsible for about 81 percent of the overall landings.

This shows that all those sink gillnets can catch a range of species. Fishermen can and do target smooth dogfish effectively. That brings us to the fishery considerations. In summary, based on the VTR analysis of sink gillnet trips, the majority of smooth dogfish landings were caught on trips that retained at least 75 percent smooth dogfish. Almost half of the trips that landed smooth dogfish in sink gillnet gear,

would be considered a directed smooth dogfish trip.

The 25 percent catch composition is unlikely to change fishing effort to a great extent. This moves us into the management program options considered today. There are two options. Option A is status quo, and this simply means that no catch composition requirement applies. This would also mean that the state and federal FMPs would not be consistent on this issue, whereas if you moved to Option B, this would establish a catch composition requirement for commercial processing for smooth dogfish at sea; and I'll read it. Fishermen in state waters and in possession of a valid state commercial license, can eviscerate and remove the head and all shark fins of smooth dogfish while at sea, provided smooth dogfish make up at least 25 percent by weight of total catch onboard at the time of landing. Fishermen may retain other sharks onboard, provided the fins of shark species remain naturally attached to the carcass through offloading, as already described in the coastal sharks FMP. The language in this option is consistent with what is Amendment IX. With that I'll take questions.

CHAIRMAN NOWALSKY: Thank you for that presentation, Ashton. Do we have any questions for Ashton? Mike.

MR. MICHAEL LUISI: Ashton, you mentioned initially when you started looking at catch, whether it was federal or state waters or by state that you kind of immediately came upon road blocks. Are there any suggestions as to how we could get around those, or figure out a way to look at the data to be able to tease out the state landings?

I think where these fish are being caught is an important element to this, to determine whether or not we implement similar measures in federal waters or state waters. The question is, is there something you can provide us, or any ideas as to how we might be able to get around those road blocks?

MS. HARP: This was a question that I came around to with the PDT several times. In certain states that have a trip ticket system, like North Carolina, we are able to see state landings in state versus federal waters; and I have that slide to show you. But in other states it is just not there. When I asked they were like, what is available in ACCSP is what we have available for this fishery.

Also, it would take a considerable amount of work to do some of this, especially the catch composition analysis, not even determining if it is state versus federal waters; that's hard, but also doing a catch composition analysis in addition. The PDT thought about this and then thought about the motion that was described at the board; that the intent of this is to kind of be consistent or present an option that is consistent with the federal FMP, and should we go down this road not knowing if we're going to get the amount of data that we want?

MR. CHRIS BATSAVAGE: Ashton, you used the VTR data for your analysis, and that basically is for boats with a northeast permit. Did you have any information on vessels with like southeast permits, for folks fishing in the South Atlantic to get an idea of their catch composition, or even possibly where they're fishing; as far as state or federal waters, based on statistical area that they are recording?

MS. HARP: We did not look at that information specifically, but in North Carolina we did see that about 62 percent of the harvest is in state waters. We know that as you know, North Carolina is split between the northeast and the southeast regions, and so one of the caveats that I did put in the addendum is that this federal VTR data only considers people who have a northeast regional permit, so it would include a good portion of North Carolina and everyone below that.

MR. JASON McNAMEE: This is a little off the topic of catch composition, but I became aware that the PDT had a discussion about another potential inconsistency, and this is language of

offloading, which is in the federal plan. In our plan it is harvest and landing. What I am trying to get a sense from you, Ashton, was that itemized out as something that is important and something we should potentially do for this, since we're in the process of potentially taking an action here; or it just kind of language, and the last thing that we don't necessarily need to worry about. I'm just trying to get a sense of your opinion on that.

MS. HARP: Okay, so this was a language in Option B. Just go back one slide. You'll see that we say in the first line that for the catch composition requirement, it is for the total catch onboard at the time of landing. That is fine. That is consistent with Amendment IX. Then the PDT had some talk about the term offloading.

Right now we say fishermen may retain other sharks onboard, provided the fins of other shark species remain naturally attached to the carcass through offloading. The majority of the PDT felt that it was important to be consistent with Amendment IX and use the term offloading, although that is not a term that is commonly used with the commission.

Carol can be more specific on this, but the term was used because it is more specific. It requires that a vessel would not only have to land, but it would have to offload those sharks as well. They felt that that language was important to them, and we felt that if we want to be consistent with Amendment IX, then we should incorporate that language into this option as well.

CHAIRMAN NOWALSKY: Follow up, Jay?

MR. McNAMEE: It actually is in there in a way that is consistent; at least in the addendum that is going out for comment, it is in there in a consistent way.

MS. HARP: Yes it is in there, and it is consistent with Amendment IX, with the federal text as well.

CHAIRMAN NOWALSKY: Okay seeing no other hands up, I would entertain a request for any changes to the addendum, or seeing none; what is the will of the board, as far as moving it forward for public comment? A motion to move it forward would be required. Mr. Clark.

**MR. JOHN CLARK: Move to approve the addendum for public comment.**

CHAIRMAN NOWALSKY: I have a second from Bill Adler. We'll get that up and then I'll read it. Move to approve Addendum IV for public comment. **Motion by Mr. Clark, second by Mr. Adler, discussion on the motion, seeing none is there any objection to the motion? Seeing none; the motion passes.** Is there any other business to come before us on the matter of the addendum, Ashton?

MS. HARP: No.

CHAIRMAN NOWALSKY: Do we need to address requests for public hearings here?

MS. HARP: Yes, if your state would like a public hearing, can you please see me after the meeting, and I can start setting that up right away.

#### **ADJOURNMENT**

CHAIRMAN NOWALSKY: Okay, is there any other business to come before the board? Seeing no other business, and having completed the agenda; the board is adjourned. Thank you.

(Whereupon the meeting was adjourned at 10:07 o'clock a.m. on May 5, 2016.)

# ***Atlantic States Marine Fisheries Commission***

## **DRAFT ADDENDUM IV TO THE COASTAL SHARKS INTERSTATE FISHERY MANAGEMENT PLAN FOR PUBLIC COMMENT**



*ASMFC Vision: Sustainably Managing Atlantic Coastal Fisheries*

**The Atlantic States Marine Fisheries Commission  
Seeks Your Input on Coastal Sharks Management**

The public is encouraged to submit comments regarding this document during the public comment period. Comments will be accepted until **5 p.m. on July 11, 2016**. Regardless of when they were sent, comments received after that time will not be included in the official record.

You may submit public comment in one or more of the following ways:

1. Attend public hearings held in your state or jurisdiction.
2. Refer comments to your state’s members on the Coastal Sharks Management Board or Coastal Sharks Advisory Panel, if applicable.
3. Mail, fax, or email written comments to the following address:

Ashton Harp  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201  
Fax: (703) 842-0741  
aharp@asmfc.org (subject line: Draft Addendum IV)

If you have any questions please call Ashton Harp at 703.842.0740.

**Commission’s Process and Timeline**

February 2016	Coastal Sharks Board Tasks PDT to Develop Draft Addendum IV
Feb-May 2016	PDT Develops Draft Addendum IV for Public Comment
May 2016	Coastal Sharks Board Reviews Draft Addendum IV and Considers Its Approval for Public Comment
<b>June-July 2016</b>	<b>Board Solicits Public Comment and States Conduct Public Hearings</b>
August 2016	Board Reviews Public Comment, Selects Management Options and Considers Final Approval of Addendum IV
TBD	Provisions of Addendum IV are Implemented

## **1. Introduction**

Atlantic shark fisheries from Maine through the east coast of Florida are currently managed through complementary fishery management plans by the Atlantic States Marine Fisheries Commission (ASMFC) and NOAA Fisheries Highly Migratory Species (HMS) Management Division. ASMFC coordinates interstate management of Atlantic sharks in state waters (0-3 miles) via the 2008 Coastal Sharks Interstate Fishery Management Plan (FMP) and Addenda I-III. Management authority in the exclusive economic zone (3-200 miles from shore) lies with NOAA Fisheries via the 2006 Consolidated Atlantic HMS FMP and Amendments.

The smoothhound shark complex is one of several shark species groupings managed in state and federal waters; it includes two species: smooth dogfish (*Mustelus canis*) and Florida smoothhound (*Mustelus norrisi*). The latter is not considered in this document; the focus of Draft Addendum IV is on smooth dogfish, specifically.

As allowed under current regulations, commercial fishermen can land smooth dogfish carcasses with corresponding fins removed from the carcass. Draft Addendum IV proposes to amend the Coastal Sharks FMP to allow smooth dogfish carcasses to be landed with corresponding fins removed from the carcass as long as the total retained catch, by weight, is composed of at least 25 percent smooth dogfish. If approved, fishermen could retain smooth dogfish in an amount less than 25 percent of the total catch provided the smooth dogfish fins remain naturally attached to the carcass. Additionally, fishermen could retain other sharks on board regardless of the percent catch composition of smooth dogfish, the fins of other shark species must remain naturally attached to the carcass through landing.

## **2. Statement of the Problem**

The purpose of the Draft Addendum is to maintain consistency between federal and state FMPs, where possible, and to better incorporate the intent of the smooth dogfish exemption in the Shark Conservation Act of 2010 (SCA) into state regulations. In November 2015, NOAA Fisheries published the final rule for Amendment 9 to the 2006 Consolidated Atlantic HMS FMP which brought smoothhound sharks under federal management effective March 15, 2016. In addition to other management measures, Amendment 9 established a catch composition requirement in order to remove smooth dogfish fins at sea. In February 2016, the Coastal Sharks Management Board initiated a Draft Addendum to consider establishing the federal catch composition requirement in state waters for removal of smooth dogfish fins while at sea.

### **3. Background**

#### **3.1 Prior Federal and State Regulations**

The Shark Finning Prohibition Act of 2000 prohibits shark finning—the removal of shark fins and disposal of shark carcasses at sea—within United States waters. Thus, shark fins and carcasses must be landed together. This requirement was included in the Coastal Sharks FMP, remains in effect, and is not the focus of this addendum.

The SCA requires all sharks in the United States to be landed with their fins naturally attached to the carcass but includes a limited exception for smooth dogfish. The exception allows fishermen engaged in commercial fishing for smooth dogfish to remove the fins of smooth dogfish if the following minimum requirements are met: possess a valid state commercial fishing license, are fishing within 50 nautical miles from the baseline of an Atlantic state (Maine through Florida), and the total weight of smooth dogfish fins landed cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses. To complement the federal FMP and the SCA, these provisions were included in the Coastal Sharks FMP via Addendum II in 2013.

#### **3.2 Consideration of a Smooth Dogfish Catch Composition in State Waters**

This addendum and NOAA Fisheries Amendment 9 provide an analysis of vessel trip report (VTR) data. The available VTR data captures gear and landings data on fishermen with a federal Northeast Region permit<sup>1</sup> from 2003-2014. Given commercial fishermen with only a state fishing license (i.e. non-federally permitted vessels) are not required to submit a vessel trip report it is not possible to separate smooth dogfish harvest in state versus federal waters. As a result, south Atlantic fishermen<sup>2</sup> or fishermen not holding a Northeast permit may not be captured in this VTR analysis.

NOAA Fisheries Amendment 9 brings smoothhound sharks under federal management and implements the smooth dogfish-specific provisions in the SCA. The SCA specifies the exception for smooth dogfish to have their fins removed at sea applies when “an individual is engaged in commercial fishing for smooth dogfish,” as opposed to fishing for other species or when fishing and incidentally catching smooth dogfish. In Amendment 9, NOAA Fisheries interprets the phrase “commercial fishing for smooth dogfish” to mean a trip where smooth dogfish comprise at least 25 percent of the total retained catch.

NOAA Fisheries selected 25 percent in response to public comments during the rulemaking process and landings data indicating the mixed nature of the fishery. Sink

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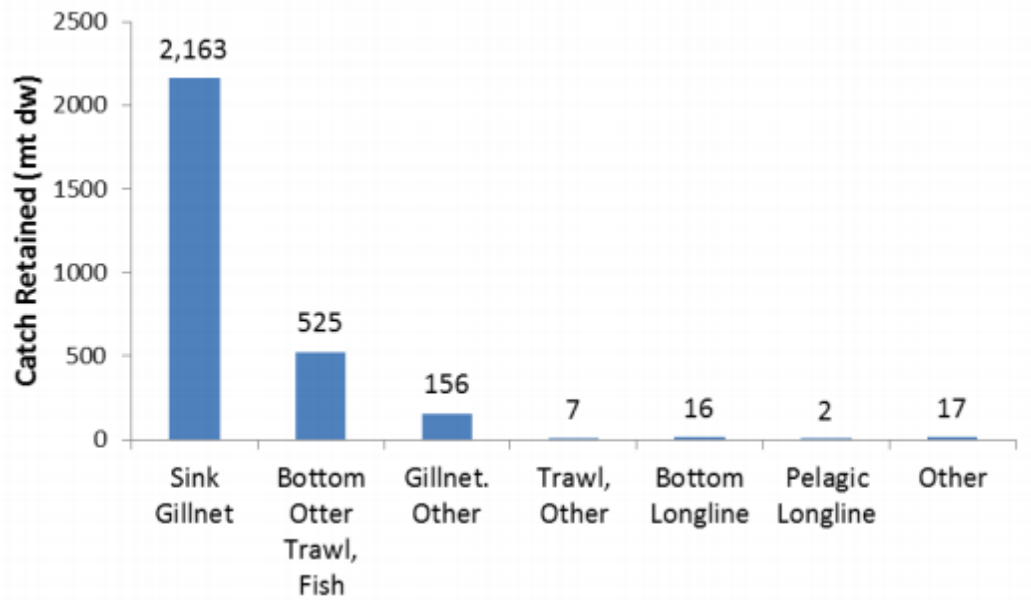
<sup>1</sup> Prior to 2016, smooth dogfish were not managed in federal waters. Therefore a federal directed shark limited access permit was not required. As a result of NOAA Fisheries Amendment 9, a federal smoothhound commercial permit was developed and is now a requirement in order to harvest smooth dogfish in federal waters.

<sup>2</sup> North Carolina is separated by management areas north and south of Cape Hatteras, creating a split in the smooth dogfish fishery between the state waters and the federal Northeast and Southeast regions.

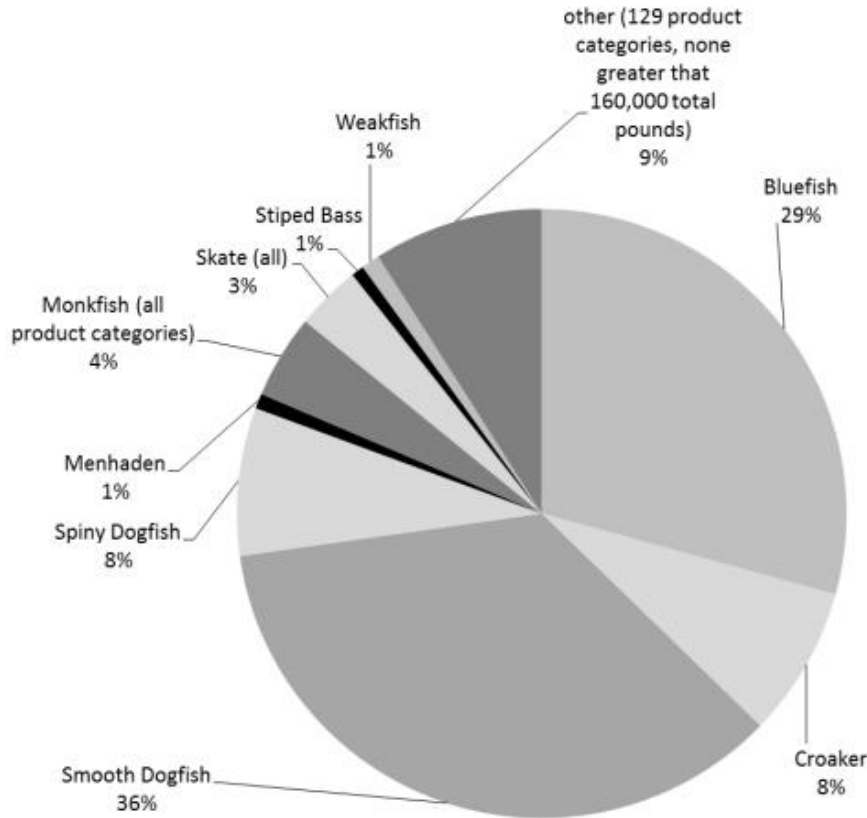


gillnet gear, the predominant gear used in the directed smooth dogfish fishery (Figure 1), often catch other species such as bluefish, croaker and spiny dogfish (Figure 2). Therefore, it was determined that a retained catch composition of at least 25 percent smooth dogfish is an indication that effort was directed on the species.

The 25 percent catch composition requirement was implemented in federal waters (effective March 15, 2016) and is presented in this document as an option for state waters.



**Figure 1. Smooth Dogfish Landings by Gear Type (2003-2014);**  
Source: Vessel Trip Report (VTR) data, 2003-2014 (NMFS 2015b)



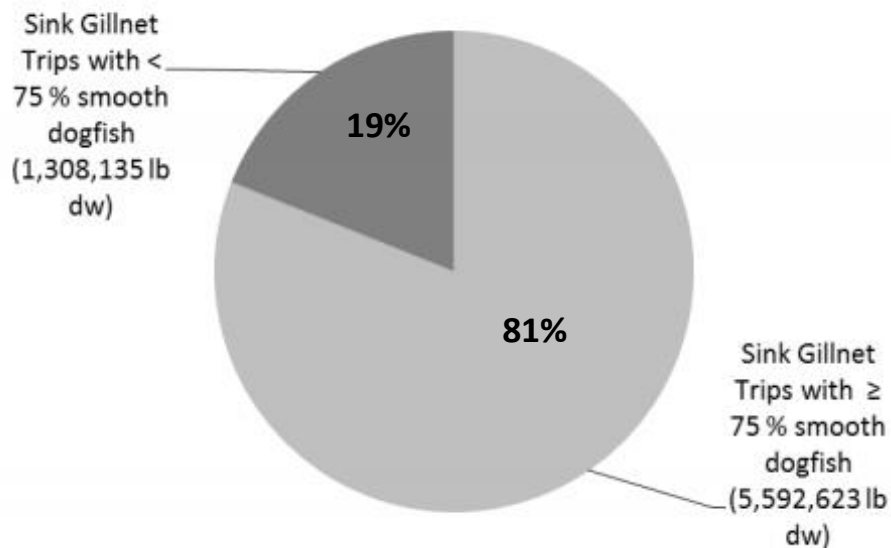
**Figure 2. Species caught with smooth dogfish in sink gillnet gear, relative levels;**  
Source: VTR data, 2003-2014 (NMFS 2015b)

On average, almost half of the reported trips that landed smooth dogfish in sink gillnet gear between 2003 and 2014 would be considered a ‘directed’ smooth dogfish fishing trip, meaning the retained catch on these trips was comprised of at least 25 percent smooth dogfish (Table 1).

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>Number of trips</b>	590	633	548	677	626	550	878	1,184	1,207	1,237	1,282	1,295
<b>Number of trips that landed ≥ 25 % smooth dogfish</b>	315	364	229	202	264	256	447	710	647	629	606	582
<b>Percentage of trips that landed ≥ 25 % smooth dogfish</b>	53%	58%	42%	30%	42%	47%	51%	60%	54%	51%	47%	45%

**Table 1. Number and percentage of trips landing smooth dogfish in sink gillnet gear, by year;** Source: VTR data, 2003-2014 (NMFS 2015b)

When analyzing sink gillnet trips and landings together the data indicated the majority (81%) of smooth dogfish landings came from trips with a high catch composition (i.e. at least 75% smooth dogfish were retained, Figure 3).



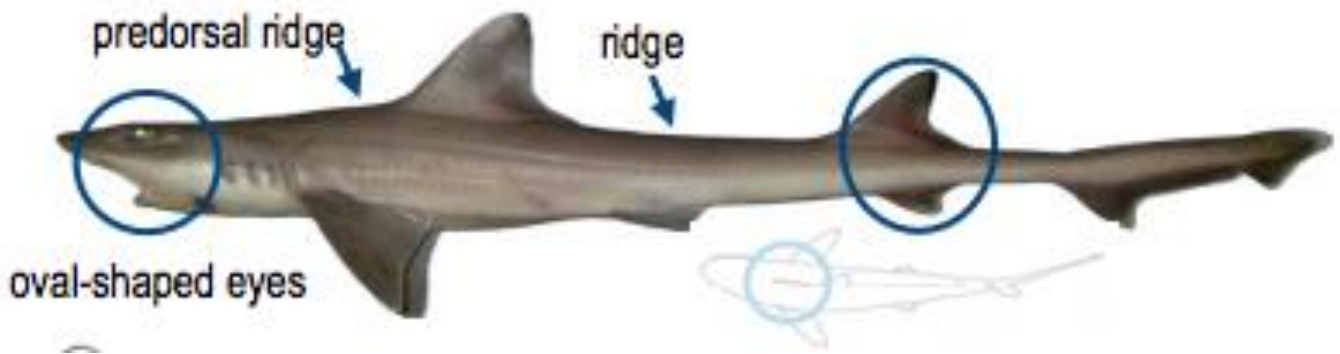
**Figure 3. Proportion of smooth dogfish landings from trips using sink gillnets where the percent of the catch retained was greater than or less than 75 percent smooth dogfish;** Source: VTR Data, 2003-2014 (NMFS 2015b)

#### *Fishery Considerations*

Based on the VTR analysis, the majority of landings were caught on trips that retained at least 75 percent smooth dogfish (Figure 3). In addition, almost half of the trips that landed smooth dogfish in sink gillnet gear would be considered a ‘directed’ smooth dogfish trip (Table 1). Therefore, a 25 percent catch composition is unlikely to change fishing effort to a great extent. As such, landings would likely remain near pre-SCA levels.

#### *Enforcement Considerations*

Allowing the removal of smooth dogfish fins at sea should not raise enforcement concerns or impact the conservation of non-smooth dogfish sharks because smooth dogfish carcasses can be easily identified from other shark carcasses by the presence of a pre-dorsal ridge, and by the lack of fin spines and dorsal spots. While other “ridgeback sharks” have an interdorsal ridge, smooth dogfish are the only shark species in the Atlantic that have a pre-dorsal ridge (Figure 4).



**Figure 4. Distinctive Characteristics on a Smooth Dogfish Shark**

#### **4. Management Program Options**

The Coastal Sharks Management Board is considering two catch composition options to amend the FMP. Option A would retain the current language used to manage the smooth dogfish fishery (*i.e.*, no catch composition requirement); in this case the state and federal FMPs would not be consistent on this issue. Option B would implement the catch composition requirement in state waters to complement the requirement in the federal FMP.

The SCA exemption is specific to smooth dogfish, therefore all smoothhound processing at sea references in Addendum II will be replaced with smooth dogfish.

##### **Option A: Status Quo**

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and fins of smooth dogfish while at sea in accordance with *Section 3.5* of Addendum II to the Coastal Sharks Interstate FMP, which stipulates “commercial fishermen may remove all smoothhound shark fins year round.”

##### **Option B: Establish a Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

***The following text will be added to Addendum II, Section 3.5 Smooth Dogfish Shark Commercial Processing at Sea***

Fishermen in state waters and in possession of a valid state commercial fishing license can eviscerate and remove the head and all shark fins of smooth dogfish (*Mustelus canis*) while at sea provided smooth dogfish make up at least 25 percent, by weight, of total catch on board at the time of landing. Fishermen may retain other sharks on board provided the fins of other shark species remain naturally attached to the carcass through offloading, as described in *Section 4.3.11* of the Coastal Sharks FMP.

## **5. Compliance**

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

## **6. Literature Cited**

NMFS. 2015a. Final Rule implementing Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: <https://www.federalregister.gov/articles/2015/11/24/2015-29516/atlantic-highly-migratory-species-smoothhound-shark-and-atlantic-shark-management-measures>

NMFS. 2015b. Final Environmental Assessment for Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan. NOAA, NMFS, Highly Migratory Species Management Division, Silver Spring, MD. Available at: [http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9\\_final\\_ea.pdf](http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9_final_ea.pdf)

Shark Conservation Act of 2010, Pub. L. No. 111-348, 124 Stat. 3668. 2010. Retrieved from <https://www.congress.gov/111/plaws/publ348/PLAW-111publ348.pdf>



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 13, 2016

**To: Coastal Sharks Management Board**

**From: Ashton Harp, ISFMP Coordinator**

**RE: Public Comment on Draft Addendum IV**

The following pages represent a summary of comments received by ASMFC as of July 11, 2016 at 5:00 p.m. (closing deadline) on Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan.

A total of 15 written comments were received during the public comment period. Four organizations provided comments: Oceana, Shark Advocates International, Project AWARE and the Humane Society of the United States. In addition, 11 individual comments were received. A summary of written comments is provided on page 2.

Public hearings were held in the following states: Connecticut, New York, New Jersey, Maryland, North Carolina. In total, 8 members of the public attended the public hearings. A brief summary of the comments received at the public hearings is provided on page 3.

Copies of the written comments, as well as state public hearing summaries follow this memo.

## ISSUE 1: SMOOTH DOGFISH CATCH COMPOSITION REQUIREMENT

### Written Comment Summary

Option	Description	Individual	Organization	Total
<b>A</b>	Status Quo Harvesters can remove the fins of smooth dogfish at sea, year-round	3		<b>3</b>
<b>B</b>	Implement a 25% catch composition requirement in order to remove the fins of smooth dogfish at sea (mirrors regulations for federal vessels)			
<b>Not an option in Draft Addendum IV</b>	Require all smooth dogfish to be landed with fins naturally attached, regardless of catch composition	8	4	<b>12</b>

Three North Carolina fishermen are in favor of status quo (Option A). Those in favor of status quo want to provide the best quality product to the consumer which entails processing immediately after a smooth dogfish is brought onboard the vessel. If the fins are to remain attached then it adds more time and handling to the product, which will reduce quality. One harvester commented that processing smooth dogfish is a time intensive endeavor, therefore, one cannot afford to discard any amount of smooth dogfish in the event the sharks had been processed, but the catch composition requirement was not met.

There were no comments in favor of Option B, catch composition requirement. One harvester said they would be in favor of an alternative that provides a conservation benefit for the resource, but Option B does not do that.

Twelve comments are in favor of a fins naturally attached policy for smooth dogfish (an option not provided in Draft Addendum IV). Commenters acknowledged the Shark Conservation Act of 2010 allows for the smooth dogfish exception, adding ASMFC should be more restrictive because a fins-attached approach is the simplest, most enforceable method for preventing shark finning. All organizations generally made the comment that as long as there is a market demand for shark fins, finning is a potential threat to all shark species, including smooth dogfish. Oceana commented that a 12% fin-to-carcass ratio is not enforceable, citing a 2014 ASMFC Law Enforcement Committee report.

## **Public Hearing Summary**

All participants were in favor of status quo. Maryland harvesters cited safety concerns, potential waste of the resource, at sea weight estimates and fishing technique as reasons to oppose Option B. In particular, fishermen in Maryland use an accumulation method to remain profitable, meaning they catch a lot of fish and many different species. They are concerned their at sea weight *estimates* may result in not meeting the catch composition requirement and subsequently having to discard already processed smooth dogfish. North Carolina harvesters are in favor of status quo because it provides the best quality product to the consumer, noting smooth dogfish is sold primarily as a meat product. One participant commented that some fishermen south of Hatteras may opt to fish solely in state waters for smooth dogfish as long as the fishery remained at status quo. All participants commented that Option B does not provide a conservation benefit for the resource.

### General Comments

- All participants commented on their dissatisfaction with the catch composition requirement in NOAA Fisheries final rule for Amendment 9 to the Atlantic HMS Fishery Management Plan.
- Related to shark fin bans, one participant noted that it denies access market access to a product that is legally caught by U.S. fishermen.



**From:** [Tommy McArthur](#)  
**To:** [Ashton Harp](#)  
**Subject:** Draft Addendum IV  
**Date:** Wednesday, May 25, 2016 11:25:01 AM

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Mrs. Harp,

I am sending you my public comment for Draft Addendum IV on the Smooth Dog FMP. I am a Sinknetter from Beaufort NC and I do participate in the Smooth Dog Fishery, Also I have the new Smooth Hound Shark open access permit that came out this year. Also here in NC the trip ticket program that is used by NCDMF does separate the harvest between state and federal waters and has been in place since 1994. I support going with option A status quo. Also this option would allow fishermen to give the consumer a better quality product by allowing them to be better able to ice the catch down more efficiently and handling them less. Whereas if not allowed to go ahead and clean and fin the Smooth Dogs and just put them in ice with the fins still attached, would add more time and handling to the product, as well as an additional time where the product is being kept out of the ice furthermore, giving an additional temperature change and reducing the quality and shelf life of the product before it reaches the consumer.

Sincerely,

*Tommy McArthur*

*867 Hwy 101*

*Beaufort,NC 28516*

*(252)725-9454*

*Owner/Operator F/V Mackenzie Dawn*

*“Tell me and I forget, teach me and I may remember, involve me and I learn.”  
— Benjamin Franklin*

## Ashton Harp

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**From:** White, Holly <Holly.White@ncdenr.gov>  
**Sent:** Monday, July 11, 2016 3:57 PM  
**To:** Ashton Harp  
**Cc:** FV; Michelle Duval; Charlton Holloman Godwin  
**Subject:** Public Comment Addendum IV

Hi Ashton,

I just got off the phone with one of our shark fishermen Jake Griffin (Wanchese, NC) CC'd on this e-mail. He has been in Alaska for over a month now with limited cell phone reception, and no access to e-mail. I told him that I would shoot you an e-mail with his recommendation on Coastal Shark Addendum IV.

He supports status quo for processing smooth dogfish at sea.

Thanks,  
Holly White  
Biologist  
Division of Marine Fisheries  
Department of Environmental Quality

252 264 3911 office  
[Holly.White@ncdenr.gov](mailto:Holly.White@ncdenr.gov) Email

1367 U.S. 17 South  
Elizabeth City, 27909



*Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.*

Chris Hickman  
Hatteras, North Carolina  
June 30, 2018

Chris Hickman called to voice his support for Option A, status quo, for the following reason:

- If they don't process smooth dogfish when caught then the meat will spoil
- If targeting bluefish or king mackerel then only a few smooth dogfish may be caught, however they would like to harvest for meat, which requires processing the shark immediately.
- Processing smooth dogfish is very labor intensive. Fisherman can't afford to process smooth dogfish that they may have to discard.
- If this was helping solve a conservation issue then he would be support it, but it isn't.

## Ashton Harp

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**From:** Susan Bunch <helentheshark@outlook.com>  
**Sent:** Thursday, July 07, 2016 1:36 PM  
**To:** Ashton Harp  
**Subject:** Dogfish are Sharks, Please Change Fin Removal Law

Dear Mr. Harp,

I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea, they do not follow the best practice suggested (a "fins-attached" landing rule) to all shark species.

I understand this is technically 'allowed' under an exception in the Shark Conservation Act, but we need a change. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result. Shark finning is getting a lot of media attention with Texas leading the way with a new ban and a huge movement behind it thanks to groups like Project Aware.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish). My contact information is below, and I thank you for your time.

Yours sincerely,

Susan Bunch  
Voice of @HelenTheShark on Twitter  
<https://twitter.com/HelenTheShark>  
State of Washington  
(425) 681-9328

## Ashton Harp

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**From:** Albano, Laurie A <Lalbano@northwell.edu>  
**Sent:** Monday, July 11, 2016 4:07 PM  
**To:** Ashton Harp  
**Subject:** DRAFT ADDENDUM IV

Dr. Mr. Harp:

I'd like to add my voice and call for an end to the smooth dogfish exceptions to Atlantic state bans on at sea shark fin removal. It's time this heavily fished shark enjoyed the same finning protections that other sharks do.

Thank you for listening.

Sincerely yours,

Laurie Albano

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## Ashton Harp

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**From:** Alex Almeida <apogee711@gmail.com>  
**Sent:** Tuesday, July 05, 2016 9:48 AM  
**To:** Ashton Harp  
**Subject:** Protect Sharks

Subject line: Draft Addendum IV

FAO: Ashton Harp, Fishery Management Plan Coordinator ([aharp@asmfc.org](mailto:aharp@asmfc.org))

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Thank you.

Yours sincerely,

A Almeida

P.S. Sharks, like any apex predator, is significant in the stability of a community of life, and when in decline can impact the community in ways that lead to disorganization, collapse and death, the effects of which we may not be cognizant of until it is too late.

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Alex Almeida

## Ashton Harp

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**From:** "Chris@\*\_\*\*"@ <cdkscully@gmail.com>  
**Sent:** Sunday, July 03, 2016 10:53 PM  
**To:** Ashton Harp  
**Subject:** Draft Addendum IV - FAO: Ashton Harp, Fishery Management Plan Coordinator

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Thank you.

Yours sincerely,  
Christine Kwiecinski  
New York

## Ashton Harp

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**From:** Peter Maguire <peter.maguire@gmail.com>  
**Sent:** Friday, July 01, 2016 9:39 PM  
**To:** Ashton Harp  
**Subject:** Subject line: Draft Addendum IV

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Surely you must come to your senses and end the finning trade (buying, selling and shipping) for all sharks. There can not be any exceptions. Are you not aware that the whole planet is in danger? Are you aware what will happen if sharks are disappear from our oceans. The food chain will collapse and then this will spell the end of mankind as we know it. It blows my mind in this day and age that finnin is still allowed here in the United States.

Thank you.

Yours sincerely,

Peter Maguire

New Haven, CT



## Ashton Harp

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**From:** Leslie Siegel <lsiegel79@gmail.com>  
**Sent:** Friday, July 01, 2016 3:20 PM  
**To:** Ashton Harp  
**Subject:** Draft Addendum IV

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Thank you.

Yours sincerely,

Leslie Siegel  
Annandale, Virginia

## Ashton Harp

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**From:** J Riedel <ragy90@live.com>  
**Sent:** Friday, July 01, 2016 2:36 PM  
**To:** Ashton Harp  
**Subject:** PLEASE PROTECT DOGFISH SHARKS - NO EXCEPTIONS TO FINNING

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Thank you.

Yours sincerely,

Jacob Riedel  
New Jersey

## Ashton Harp

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**From:** Jo McClain <jolynnmcclain@yahoo.com>  
**Sent:** Friday, July 01, 2016 10:34 AM  
**To:** Ashton Harp  
**Subject:** Draft Addendum IV

Dear Mr. Harp:

As a strong supporter of shark conservation and Project AWARE, I am writing to express my concern that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea.

I understand this is allowed under an exception in the Shark Conservation Act, but also know that states may opt to apply the best practice (a "fins-attached" landing rule) to all shark species. The fins-attached approach has been mandated for all other US sharks because it is the simplest, most enforceable method for preventing shark finning. Better catch data can also result.

I would be grateful if you would convey to the Commissioners my strong support for ending all at-sea removal of shark fins (including those from smooth dogfish).

Thank you.

Yours sincerely,  
Jo Lynn McClain  
Virginia

Sent from my iPhone

July 11, 2016

Via e-mail to [aharp@asmfc.org](mailto:aharp@asmfc.org)

Ashton Harp  
Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201  
E-mail: [aharp@asmfc.org](mailto:aharp@asmfc.org)

**Re: *Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan***

Dear Ms. Harp:

Oceana, the largest international ocean conservation organization solely focused on protecting the world's oceans, appreciates the opportunity to submit comments on *Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan*. Oceana is working to protect sharks from overexploitation and becoming incidental bycatch in fisheries in the United States and around the world. Oceana's efforts to protect sharks in the United States include advocating at state and federal levels against shark finning, encouraging private sector entities to stop selling shark fins, calling for full-chain traceability for all species, including sharks, and litigating to protect threatened shark species. *Draft Addendum IV* seeks to amend the FMP to permit smooth dogfish shark carcasses to be landed with fins detached from the carcass so long as the total catch, by weight, is comprised of at least 25 percent of smooth dogfish sharks.<sup>1</sup> While the proposal is a step in the right direction, it does not go far enough to adequately conserve smooth dogfish sharks as well as other non-exempted sharks and ensure a sustainable fishery. Therefore, Oceana urges the Atlantic States Marine Fisheries Commission ("ASMFC") to require that *all* smooth dogfish sharks be landed with their fins naturally attached, regardless of catch composition.

One of the greatest threats facing sharks is the demand for their fins, which has led to the practice of finning – the act of cutting the fins off of a shark and discarding its body at sea, where it could drown, bleed to death, or be eaten alive by other fish.<sup>2</sup> Congress enacted the Shark Conservation Act of 2010 ("SCA") to require that all sharks in commercial fisheries be landed with their fins naturally attached to the carcass.<sup>3</sup> The SCA, and Addendum II to the FMP implementing the SCA, exempts smooth dogfish

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<sup>1</sup> ASMFC, *Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan for Public Comment 1*, [https://www.asmfc.org/uploads/file/573de908CoastalSharksDraftAddendumIV\\_PublicComment.pdf](https://www.asmfc.org/uploads/file/573de908CoastalSharksDraftAddendumIV_PublicComment.pdf) (last visited July 11, 2016). Smooth dogfish shark are also called "smoothhound shark," and the Latin name is *Mustelus canis*.

<sup>2</sup> Oceana, *Shark Fin Trade: Why it Should Be Banned in the United States* 1, 3 (June 2016), [http://usa.oceana.org/sites/default/files/shark\\_fin\\_ban\\_announcement\\_report\\_final\\_low-res.pdf](http://usa.oceana.org/sites/default/files/shark_fin_ban_announcement_report_final_low-res.pdf)

<sup>3</sup> 16 U.S.C. § 1857(1)(P).

sharks as long as the fin-to-carcass ratio does not exceed 12 percent.<sup>4</sup> On March 15, 2016, Amendment 9 to the 2006 Consolidated Atlantic Highly Migratory Species FMP became effective; Amendment 9 brings smooth dogfish sharks under federal management and requires that smooth dogfish make up at least 25 percent of the total retained catch in order to remove the fins of smooth dogfish while at sea.<sup>5</sup> To accord with the requirement implemented in federal waters, the phrase “commercial fishing for smooth dogfish” is interpreted in *Draft Addendum IV* to mean a trip where smooth dogfish sharks comprise at least 25 percent of the total retained catch.<sup>6</sup> Thus, if *Draft Addendum IV* is approved, fishermen could retain smooth dogfish sharks in an amount less than 25 percent of the total catch provided that the fins remain naturally attached to the carcass.<sup>7</sup> For amounts at or above 25 percent of the total catch, fisherman would be allowed to remove the fins of smooth dogfish sharks, provided the fin-to-carcass ratio does not exceed 12 percent, *i.e.*, the total weight of the smooth dogfish fins landed cannot exceed 12 percent of the total dressed weight of smooth dogfish carcasses.<sup>8</sup> As result, commercial fishermen can land smooth dogfish carcasses with corresponding fins removed from the carcass.

For the following reasons, Oceana urges the ASMFC to require that *all* smooth dogfish sharks be landed with their fins naturally attached, regardless of catch composition.

- Fin-to-carcass ratios are not enforceable.

Fishermen directly target some sharks, including the smooth dogfish shark, for their meat.<sup>9</sup> In addition, significant market demand for shark fins often leads to finning.<sup>10</sup> To meet this market demand, finning of smooth dogfish sharks or other non-exempted shark species could be occurring as a result of the smooth dogfish shark exemption, which hinges upon vigilant enforcement of the 12 percent fin-to-carcass ratio. As the ASMFC Law Enforcement Committee has acknowledged, however, fin-to-carcass ratios are “not enforceable.”<sup>11</sup> Fin-to-carcass ratios are unenforceable in part, because it is difficult to determine the difference between the fins of smooth dogfish sharks and prohibited shark species.<sup>12</sup> Even enforcement officers with high levels of experience and training have difficulty correctly identifying shark species by examining carcasses or fins.<sup>13</sup> Thus, both smooth dogfish sharks and other prohibited species of sharks could be finned at sea without detection. The consensus among Law Enforcement

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<sup>4</sup> 16 U.S.C. § 1857(1)(final paragraph); ASMFC, *Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks: Smoothhound Shark State Shares* (May 2013), [http://www.asmfc.org/uploads/file/smoothDogfishAddendumII\\_May2013.pdf](http://www.asmfc.org/uploads/file/smoothDogfishAddendumII_May2013.pdf).

<sup>5</sup> National Marine Fisheries Service, Highly Migratory Species Management Division, *Final Rule Implementing Amendment 9 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan* at Table 1.1 (Nov. 2015), [http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9\\_final\\_ea.pdf](http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am9/a9_final_ea.pdf); Atlantic Highly Migratory Species; Smoothhound Shark and Atlantic Shark Management Measures – Final Rule, 80 Fed. Reg. 73,128, 73,136-37, 73,146. (Nov. 24, 2015).

<sup>6</sup> ASMFC, *Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan for Public Comment 2*, [https://www.asmfc.org/uploads/file/573de908CoastalSharksDraftAddendumIV\\_PublicComment.pdf](https://www.asmfc.org/uploads/file/573de908CoastalSharksDraftAddendumIV_PublicComment.pdf) (last visited July 11, 2016).

<sup>7</sup> *Id.* at 3.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> ASMFC, *Enforcement Issue Summary – Issue 14-1 – Shark Finning Regulations and Enforceability* 1 (Feb. 14, 2014), [http://www.asmfc.org/files/LEC/LEC\\_SharkFinning\\_Feb2014.pdf](http://www.asmfc.org/files/LEC/LEC_SharkFinning_Feb2014.pdf) (noting that Law Enforcement Committee members from NOAA, USCG and the states of Massachusetts, Rhode Island, New York, New Jersey, Delaware, North Carolina, Georgia and Florida unanimously found fin-to-carcass ratio allowances for sharks that are processed at sea to be unenforceable).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 1-2

Committee members is that “there are no enforcement issues if fins are secured naturally to the carcass.”<sup>14</sup> Indeed, the Law Enforcement Committee concluded that fin attachment is “the preferred method of enforcement, allowing for more accurate identification of species and successful enforcement of finning restrictions or prohibitions.”<sup>15</sup>

- The most recent stock assessment for smooth dogfish sharks found that the exploitation status, biomass status, and biological reference points are unknown.

In addition, like many sharks, smooth dogfish sharks reach sexual maturity late (female 4.4 years; male 2.5 years), grow slowly, and produce few offspring (3-18 pups; an average of 9.53 pups every year), thereby making them particularly vulnerable to overexploitation.<sup>16</sup> In 2015, the smooth dogfish stock assessment determined that the current stock exploitation status and the current stock biomass status are unknown.<sup>17</sup> The stock assessment determined that biological reference points are also unknown.<sup>18</sup> Because sharks face twice the risk of extinction resulting from fishing pressure than do other fish,<sup>19</sup> a precautionary approach to protect the smooth dogfish shark should be adopted by the ASMFC.

\*\*\*

As long as there is market demand for shark fins, finning is a potential threat to all shark species, including smooth dogfish sharks. The exemption from the fins-naturally-attached rule for smooth dogfish sharks creates a loophole whereby both smooth dogfish sharks and other prohibited sharks could be subjected to finning. While the clarification of the catch composition in *Draft Addendum IV* is a step in the right direction, it does not go far enough to adequately conserve smooth dogfish sharks as well as other non-exempted sharks and ensure a sustainable fishery. Regardless of the 25 percent catch composition proposed in *Draft Addendum IV*, the 12 percent fin-to-carcass ratio could result in undetected finning of smooth dogfish sharks and other shark species. As the ASMFC’s own Law Enforcement Committee determined that fin-to-carcass ratio allowances are unenforceable and given that the most recent stock assessment for this species determined that the status of the stock is unknown, Oceana urges a precautionary approach that would require all smooth dogfish sharks to be landed with fins naturally attached to the carcass.

Oceana appreciates the opportunity to provide input on *Draft Addendum IV* and thanks the ASMFC staff for their time. Oceana will continue to be engaged in this process moving forward.

Sincerely,

\_\_\_\_\_/s/  
Mariah Pflieger  
Marine Scientist, Responsible Fishing Campaign

<sup>14</sup> *Id.* at 2.

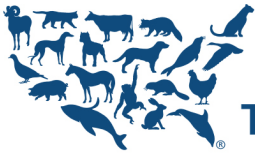
<sup>15</sup> *Id.*

<sup>16</sup> Southeast Data, Assessment and Review (SEDAR), *SEDAR 39 – Stock Assessment Report – HMS Atlantic Smooth Dogfish Shark* at 14 (Mar. 2015), [http://sedarweb.org/docs/sar/S39\\_Atl\\_smooth\\_dog\\_SAR.pdf](http://sedarweb.org/docs/sar/S39_Atl_smooth_dog_SAR.pdf)

<sup>17</sup> *Id.* at Table 1.

<sup>18</sup> *Id.* at Table 2.

<sup>19</sup> Oceana, *Shark Fin Trade: Why it Should Be Banned in the United States* 3 (June 2016), [http://usa.oceana.org/sites/default/files/shark\\_fin\\_ban\\_announcement\\_report\\_final\\_low-res.pdf](http://usa.oceana.org/sites/default/files/shark_fin_ban_announcement_report_final_low-res.pdf).



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July 7, 2016

Ashton Harp  
Atlantic States Marine Fisheries Commission  
Fishery Management Plan Coordinator  
1050 N. Highland St. Suite 200 A-N  
Arlington, VA 22201

Dear Ms. Harp,

The Humane Society of the United States (HSUS) urges the ASMFC to require that all sharks are landed with fins naturally attached.

We are concerned that several Atlantic states allow the fins of smooth dogfish sharks to be removed at sea. While this is allowed under an exception in the Shark Conservation Act of 2010, individual states may choose to apply the best practice and follow a fins attached landing rule to all shark species. This fins attached approach has been mandated for all other sharks landed in the US as it is the most enforceable and effective method for preventing shark finning and gathering accurate data on shark landings and trade in shark products.

The HSUS has long advocated for the protection of sharks at both the state and federal level. Finning is cruel and wasteful and all sharks, even small sharks such as dogfish, should be afforded protection from this practice.

We support strong finning bans and ending all at-sea removal of shark fins, including those from smooth dogfish to ensure that the U.S. continues to be a global leader in shark conservation.

Sincerely,

Nicole Paquette  
Vice President, Wildlife Protection  
The Humane Society of the United States

July 11, 2016

Ashton Harp  
Atlantic States Marine Fisheries Commission  
1050 North Highland St., Suite 200 A-N  
Arlington, VA 22201



Dear Ms. Harp:

Shark Advocates International and Project AWARE appreciate this opportunity to comment on Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan and related measures aimed at preventing the wasteful practice of shark finning (slicing off a shark's fins and discarding the body at sea), particularly with respect to smoothhound sharks (smooth dogfish).

We have long been concerned about the Shark Conservation Act (SCA) Savings Clause that exempts Atlantic smooth dogfish from the bans on at-sea fin removal that apply to all other sharks taken in U.S. fisheries. We take this opportunity to reiterate our strong support for requiring that smooth dogfish be landed with fins naturally attached, for the reasons outlined below.

As detailed in a 2010 report<sup>1</sup> from the European Elasmobranch Association (EEA) and the International Union for Conservation of Nature (IUCN) Shark Specialist Group, under such a policy:

- Enforcement burden is greatly reduced;
- Information on species and quantities of sharks landed is vastly improved;
- "High-grading" (mixing bodies and fins from different animals) is impossible; and
- Value of the finished product can be increased.

The study concluded that:

- Prohibiting the removal of fins on-board vessels is the "*only fail-safe, most reliable, least expensive means to prevent finning and measure compliance.*"

A 2007 expert study<sup>2</sup> on enforcing finning bans concluded that a fin-to-carcass ratio is a complicated and inadequate tool for preventing finning because of differences in cutting techniques and variability among species' fin sizes and values.

Furthermore, the 12% fin-to-carcass ratio established in the SCA is more than twice the limit used previously in U.S. fisheries and has little scientific basis. A comprehensive 2005 study of such fin-to-carcass ratios for 14 shark species conducted by National Marine Fisheries Service (NMFS), the University of Florida, and the Florida Fish & Wildlife Research Institute calculated the smooth dogfish fin-to-dressed-carcass ratio at 3.51%<sup>3</sup>. The higher the ratio, the greater the room for undetected finning.

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<sup>1</sup> Fowler, S. and Séret, B. 2010. *Shark fins in Europe: Implications for reforming the EU finning ban*. European Elasmobranch Association and

<sup>2</sup> Hareide, N. R., Carlson J., Clarke, M., Clarke, S., Ellis, J., Fordham, S., Fowler, S., Pinho, M., Raymakers, C., Serena, F., Seret, B. and Polti, S. (2007). *European Shark Fisheries: a preliminary investigation into fisheries, conversion factors, trade products, markets and management measures*. European Elasmobranch Association.

<sup>3</sup> Baremore I.E., B. Winner, N. Kohler, and J. Mello. 2005. Differences in the ratios of fin to carcass weight among fourteen species of sharks. Joint Meeting of Ichthyologists and Herpetologists, 21st annual meeting of the American Elasmobranch Society, Tampa, Florida, USA, 6-11 July 2005 (abstract and presentation).



Fin-to-carcass ratios have been addressed in a number of peer-reviewed technical studies in recent years. Notably, in April 2012, the *Journal of Fish Biology* published a special issue on “The Current Status of Elasmobranchs: Biology, Fisheries and Conservation” that includes a University of British Columbia Fisheries Centre global review of species-specific fin to body weight ratios and relevant legislation<sup>4</sup>. Authors report that:

- Mean and median wet fin to body mass ratios were 3% and 2.2%, respectively;
- A 5% ratio is too high and provides “*an opportunity for fishers to harvest extra fins from more sharks without retaining all of the corresponding shark carcasses*”;
- Generalized fin-to-carcass ratios present a “*dangerous loophole*”;
- Species and/or fleet-specific ratios are not a practical solution due to difficulties associated with high-grading and accurate species identification;
- Requiring all sharks be landed with fins attached is the best way to close finning loopholes, and makes it is “*easier for trained observers at landing sites to record the number, mass and species of sharks landed, making data collection and monitoring more straightforward and accurate.*”

The above-mentioned analyses back up the ultimate conclusion of a 2006 assessment of fin-to-carcass ratios<sup>5</sup> produced by NMFS scientists for the International Commission for the Conservation of Atlantic Tunas:

- “*The only guaranteed method to avoid shark finning is to land sharks with all fins attached.*”

Because of these advantages, NMFS prohibited at-sea shark fin removal in the Atlantic in 2008, long before SCA adoption, and in the accompanying rulemaking process summarized associated benefits: “*This requirement will improve enforcement, species identification, data quality for future stock assessments, and further prevent the practice of shark finning.*”

It is important to note that smooth dogfish fins, although not highly valued for shark fin soup, are exported to Asia in substantial amounts. In fact, studies of Hong Kong fin trade auctions found that 39% of fins by weight were from small, undifferentiated sharks, including dogfish<sup>6</sup>. Smooth dogfish fins in particular have been shown to retail for \$160/kg in Singapore markets<sup>7</sup>.

The possibility for undetected finning under an excessive ratio limit is not restricted to smooth dogfish. In the Final Environmental Impact Statement for Amendment 3 to the Atlantic Highly Migratory Species Fishery Management Plan, NMFS stated that requiring smooth dogfish fins to remain naturally attached to the carcass was necessary to facilitate enforcement and species identification, “*as the dressed carcass and detached fins of a smooth dogfish could be misidentified as a dressed carcass or detached fins of a SCS, juvenile LCS, or spiny dogfish.*” We stress that juvenile large coastal species, many of which are severely depleted and prohibited (e.g. dusky and sandbar sharks), are at great risk for finning from the opportunity and incentive to high-grade under a 12% smooth dogfish fin-to-carcass ratio.

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<sup>4</sup> Biery, L. and Pauly, D. (2012). A global review of species-specific shark fin to body weight ratios and relevant legislation. *Journal of Fish Biology*. DOI: 10.1111/j.1095-8649.2011.03215.x

<sup>5</sup> Cortes, E. and Neer, J. A. (2006). Preliminary reassessment of the validity of the 5% fin to carcass weight ratio for sharks. *ICCAT Collective Volume of Scientific Papers* 59, 1025–1036.

<sup>6</sup> Clarke, S., unpublished data.

<sup>7</sup> Clarke, S. 2005. Trade in Shark Products in Singapore, Malaysia & Thailand. Southeast Asian Development Center and ASEAN, Singapore.

Smooth dogfish are regularly landed in east coast ports with their fins still attached. The technique of making a partial cut and folding fins against the shark's carcass, perfected by U.S. Atlantic shark fishermen, is also an option for addressing industry concerns about safety and efficient storage.

Last, we are also troubled that the exceptions to our national fins-attached requirement, particularly through the most lenient fin-to-carcass ratio in the world, can undermine U.S. efforts to promote best practices for shark conservation on a global scale.

Based on this information and for these reasons, we believe smooth dogfish fin-to-carcass weight ratio limits threaten finning ban enforcement, data collection, and shark conservation in this country and beyond. We urge all Atlantic states to opt out of ratios and instead simply apply their bans on at-sea removal of fins to species of sharks.

Thank you for considering our views.

Sincerely,



Sonja Fordham  
President  
Shark Advocates International



Ania Budziak  
Associate Director, Science & Policy  
Project AWARE

## COASTAL SHARKS PUBLIC HEARING FOR DRAFT ADDENDUM IV

Ocean Pines, Maryland

June 21, 2016

7 Total Attendees

**Meeting staff (2):** Ashton Harp (ASMFC), Angel Willey (MD DNR)

**Meeting Participants (5):** Roger Wooleyhan, Kirk Stewart (F/V Luna), Merrill Campbell (Southern Connection Ocean City (SCOC), Kerry Harrington (F/V Seaborn), Shah Amir

### **Issue 1: Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

Five participants are in favor of *Option A (status quo)* and opposed to the catch composition requirement for the following reasons:

- Waste: Their business is largely geared toward the meat market and smooth dogfish need to be processed immediately to maintain a quality product. If a fishermen are not able to meet the catch composition requirement then one would have to discard smooth dogfish that had already been cut and brined. It is considered mismanagement if fishermen are required to discard a resource that has already been processed.
  - Multiple people commented that processing sharks is hard work and time intensive. One can't afford to throw back processed meat.
- Fishing method: Maryland fishermen fish differently than other states. They use the accumulation method meaning they catch a lot of fish and many different species of fish depending on the time of year and water conditions. They can't afford to discard any fish.
- At sea weight estimates: This regulation could unintentionally turn fishermen into "outlaws" because weight of catch is estimated at sea. Fishermen cannot with any degree of certainty know that they met the catch requirement until the fish are landed.
  - Fishermen do not make a lot of money in the smooth dogfish market. One participant commented that they would expect to make \$150 on a day trip or \$500 on a 3-day trip.
- Safety: There are safety concerns associated with meeting this requirement. One might have to extend the length of their trip and set the nets again to try to meet the catch composition requirement.
- Conservation: One participant asked what this addendum did for the conservation of the smooth dogfish. Then noted that the conservation of the resource is not mentioned in the document and the Commission should manage the resource to ensure maximum sustainable yield. The catch composition requirement was seen as an unnecessarily complicated way to micromanage the fishery. Further, the participant was upset the Commission had even proposed the catch composition alternative alternative.

### Other Comments

- All participants commented on their dissatisfaction with the NOAA Fisheries final rule for Amendment 9 to the Highly Migratory Fishery Management Plan.

## COASTAL SHARKS PUBLIC HEARING FOR DRAFT ADDENDUM IV

Manteo, North Carolina

June 23, 2016

4 Total Attendees

**Meeting staff (2):** Ashton Harp (ASMFC), Holly White (NC DMR)

**Meeting Participants (2):** Charlie Locke (F/V Salvation), James Fletcher

### **Issue 1: Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

Two participants are in favor of *Option A (status quo)* and opposed to the catch composition requirement for the following reasons:

- Seen as making a regulation to make a regulation, however it will not save one shark, it does not have a conservation benefit. It will increase discards and impedes maximum sustainable yield
- Fishermen in other fisheries are not regulated on how they dress their fish, why is there so much management for sharks.
- Only adds more trouble and regulations for fishermen, especially smooth dogfish fishermen that are primarily landing a meat product. There is only one fin buyer left in the United States and the buyer does not want chips (small coastal shark fins).
- The catch composition requirement and the recent bill introduced in Congress ([H.R. 5584](#) Shark Fin Trade Elimination Act of 2016, June 23, 2016) were seen as potential measures that will end the shark fishery in U.S. waters.
- It is an additional complication for fishermen which could be passed onto the consumer in the form of a price increase.
- This could affect the quality of the meat because fishermen will have to wait to process smooth dogfish until they have finished fishing and can estimate weight for each species
- The majority of smooth dogfish landings are south of Hatteras because there is a lot of effort in the winter. Most day fishermen can't get out further than state waters at that time of year.
  - One participant noted that in discussions with other fishermen (south of Hatteras) there was a desire to fish solely in state waters so they can avoid 1) having to complying with a catch composition requirement and 2) going through the process of getting a federal smoothhound commercial fishing permit

### Other Comments

- There was confusion over the issuance of federal smoothhound commercial permits. One participant thought NC fishermen would need to obtain a northeast and a

southeast region federal smoothhound commercial permit and subsequently follow the varying reporting requirements for each. This was seen as burdensome.

- Regarding shark fin bans, one participant noted that it denies access to the product to certain markets, even though this is a product that is legally caught by American fishermen.
- One participant noted that they have never seen law enforcement at the dock to check the fin-to-carcass ratio or the fins naturally attached policy; this would be one more regulation applied to fishermen.

**COASTAL SHARKS PUBLIC HEARING FOR DRAFT ADDENDUM IV**

**New York**

**June 28, 2016**

**4 Total Attendees**

**Meeting staff (2):** Ashton Harp (ASMFC), Jim Gilmore (NYDMR), Emerson Hasbrouck

**Meeting Participants (1):** Victor Vecchio

**Issue 1: Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

- No comment on the issue.

**COASTAL SHARKS PUBLIC HEARING FOR DRAFT ADDENDUM IV**

**New Jersey**

**June 22, 2016**

**0 Total Attendees**

**NJ Bureau of Marine Fisheries:** Tom Baum, Russ Allen

**Meeting Participants:** None

**Issue 1: Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

- No public participation



**COASTAL SHARKS PUBLIC HEARING FOR DRAFT ADDENDUM IV**

**Old Lyme, CT**

**June 28, 2016**

**0 Total Attendees**

**CT DEEP:** David Simpson, Director (CT DEEP Marine Fisheries Division), Mark Alexander (CT DEEP Marine Fisheries Division), Colleen Giannini (CT DEEP Marine Fisheries Division)

**Meeting Participants:** None

**Issue 1: Catch Composition Requirement for Commercial Processing of Smooth Dogfish at Sea**

- No public participation



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • [www.asmfc.org](http://www.asmfc.org)

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## Coastal Sharks Advisory Panel Conference Call 6 Total Attendees

July 14, 2016

**Advisory Panel:** Lewis Gillingham, Sonja Fordham, Peter Grimbilas, Rusty Hudson

**Staff:** Ashton Harp (ASMFC)

**Public:** Angel Willey (MD DMR)

### Issue 1: Catch Composition Requirement

The sub-set of the Advisory Panel did not vote in favor of either option on the conference call. One participant was in favor of a fins naturally attached policy for smooth dogfish, regardless of catch composition. The other two participants did not provide comments on the issue.

One AP member sent a comment, via email, in favor of Option B (catch composition requirement).

General comments:

- Two participants commented on [H.R. 5584](#) Shark Fin Trade Elimination Act of 2016 (Congress introduced on June 23, 2016) and New Jersey's recent shark fin ban. They are not in favor of a shark fin ban.
- One participant said the smooth dogfish market is weak at this time, therefore, the fishery is not as active as it previously has been.



# Atlantic States Marine Fisheries Commission

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## MEMORANDUM

July 11, 2016

**To: Coastal Sharks Management Board**  
**From: Law Enforcement Committee**  
**RE: LEC review of Draft Addendum IV to the Coastal Sharks IFMP**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on July 8, 2016 to review and provide comments on proposed management options in Draft Addendum IV to the Coastal Sharks Interstate Fishery Management Plan. The following members were in attendance:

*LEC:* Capt. Steve Anthony (NC); Capt. Grant Burton (FL); Deputy Chief Jon Cornish (ME); Lt. Mike Eastman (NH); Asst. Director Larry Furlong (PA); Special Agent-in-Charge Honora Gordon (USFWS); Capt. Jamie Green (VA); Capt. Tim Huss (NY); Capt. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Lt. Colby Schlaht (USCG); Lt. Jason Snellbaker (NJ)

*LEC ALTERNATES:* Eric Provencher (NOAA OLE)

*OTHER ATTENDEES:* David Borden (RI)

*STAFF:* Ashton Harp; Toni Kerns; Kirby Rootes-Murdy; Mark Robson; Megan Ware

The LEC reviewed the management options and rationales contained in Addendum IV and recommends Option B, allowing at-sea fin removal for smooth dogfish as long as the total retained catch, by weight, is composed of at least 25% smooth dogfish. The LEC makes this recommendation in support of consistency of regulations between state and federal waters, an overriding concern for enforcement generally. Members of the LEC discussed the difficulties of catch inspections and shark identification but recognized that smooth dogfish possess physical features potentially distinguishing them from other shark species. Nonetheless, this requires some level of training for officers in the field.

The LEC reiterates its long-standing position that processing of catch at sea presents significant enforcement challenges (*Guidelines for Resource Managers on the Enforceability of Fishery Management Measures, Second Ed. 2015*). In the case of smooth dogfish being landed, officers must contend with proper identification of species, determination of a legal percentage of fins relative to total dressed weight, and now a determination that a 25% catch composition threshold has been met. While consistency of regulations between state and federal waters is a positive step, this remains a difficult set of regulations from an enforcement perspective.

The LEC appreciates the opportunity to review and provide advice concerning this proposal.



**ATLANTIC STATES MARINE FISHERIES COMMISSION**

**Advisory Panel Nomination Form**

This form is designed to help nominate Advisors to the Commission's Species Advisory Panels. The information on the returned form will be provided to the Commission's relevant species management board or section. Please answer the questions in the categories (All Nominees, Commercial Fisherman, Charter/Headboat Captain, Recreational Fisherman, Dealer/Processor, or Other Interested Parties) that pertain to the nominee's experience. If the nominee fits into more than one category, answer the questions for all categories that fit the situation. **Also, please fill in the sections which pertain to All Nominees (pages 1 and 2). In addition, nominee signatures are required to verify the provided information (page 4), and Commissioner signatures are requested to verify Commissioner consensus (page 4). Please print and use a black pen.**

Form submitted by: Tim Fitzgerald State: NY  
(your name)

Name of Nominee: Katie Westfall

Address: 1875 Connecticut Ave. NW

City, State, Zip: Washington, DC 20009

Please provide the appropriate numbers where the nominee can be reached:

Phone (day): 202 572 3376

Phone (evening): 202 607 6775

FAX: \_\_\_\_\_

Email: kwestfall@edf.org

**FOR ALL NOMINEES:**

1. Please list, in order of preference, the Advisory Panel for which you are nominating the above person.

1. Coastal Sharks
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

2. Has the nominee been found in violation of criminal or civil federal fishery law or regulation or convicted of any felony or crime over the last three years?

yes \_\_\_\_\_ no X

3. Is the nominee a member of any fishermen's organizations or clubs?

yes \_\_\_\_\_ no X

If "yes," please list them below by name.

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4. What kinds (species ) of fish and/or shellfish has the nominee fished for during the past year?  
N/A

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5. What kinds (species ) of fish and/or shellfish has the nominee fished for in the past?

Rainbow, brook, brown, and cutthroat trout

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Catfish, whiting, sailor's choice, and sea trout

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**FOR COMMERCIAL FISHERMEN:**

1. How many years has the nominee been the commercial fishing business? \_\_\_\_\_ years

2. Is the nominee employed only in commercial fishing? yes \_\_\_\_\_ no \_\_\_\_\_

3. What is the predominant gear type used by the nominee? \_\_\_\_\_

4. What is the predominant geographic area fished by the nominee (i.e., inshore, offshore)? \_\_\_\_\_

**FOR CHARTER/HEADBOAT CAPTAINS:**

1. How long has the nominee been employed in the charter/headboat business? \_\_\_\_\_ years

2. Is the nominee employed only in the charter/headboat industry? yes \_\_\_\_\_ no \_\_\_\_\_

If "no," please list other type(s) of business(es) and/occupation(s): \_\_\_\_\_

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3. How many years has the nominee lived in the home port community? \_\_\_\_\_ years

If less than five years, please indicate the nominee's previous home port community.

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**FOR RECREATIONAL FISHERMEN:**

1. How long has the nominee engaged in recreational fishing? \_\_\_\_\_ years
2. Is the nominee working, or has the nominee ever worked in any area related to the fishing industry? yes \_\_\_\_\_ no \_\_\_\_\_

If "yes," please explain.

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**FOR SEAFOOD PROCESSORS & DEALERS:**

1. How long has the nominee been employed in the business of seafood processing/dealing? \_\_\_\_\_ years
2. Is the nominee employed only in the business of seafood processing/dealing?  
yes \_\_\_\_\_ no \_\_\_\_\_ If "no," please list other type(s) of business(es) and/or occupation(s):

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---

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3. How many years has the nominee lived in the home port community? \_\_\_\_\_ years  
If less than five years, please indicate the nominee's previous home port community.

---

**FOR OTHER INTERESTED PARTIES:**

1. How long has the nominee been interested in fishing and/or fisheries management? ~20 years
2. Is the nominee employed in the fishing business or the field of fisheries management?  
yes X no \_\_\_\_\_  
If "no," please list other type(s) of business(es) and/or occupation(s):

---

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**FOR ALL NOMINEES:**

In the space provided below, please provide the Commission with any additional information which you feel would assist us in making choosing new Advisors. You may use as many pages as needed.

Nominee Signature:  \_\_\_\_\_

Date: 7/11/16

Name: **Katie Westfall**  
\_\_\_\_\_  
(please print)

**COMMISSIONERS SIGN-OFF (not required for non-traditional stakeholders)**

\_\_\_\_\_  
State Director

\_\_\_\_\_  
State Legislator

\_\_\_\_\_  
Governor's Appointee