Atlantic States Marine Fisheries Commission

Coastal Sharks Management Board

November 9, 2022
11:30 a.m. – 12:00 p.m.
Hybrid Meeting

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.

1. Welcome/Call to Order (*M. Bell*)	11:30 a.m.
2. Board Consent • Approval of Agenda • Approval of Proceedings from May 2022	11:30 a.m.
3. Public Comment	11:35 a.m.
4. Set 2023 Specifications (*D. Colson Leaning*) **Final Action**	11:40 a.m.
5. Consider Fishery Management Plan Review and State Compliance of the 2020 Fishing Year (*D. Colson Leaning*) **Action**	11:50 a.m.
6. Other Business/Adjourn	12:00 p.m.

The meeting will be held at The Ocean Place Resort (1 Ocean Boulevard Long Branch, NJ; 732.571.4000) and via webinar; click here for details

MEETING OVERVIEW

Coastal Sharks Management Board
Wednesday, November 9, 2022
11:30 – 12:00 p.m.
Webinar

Chair: Mel Bell (NC) Assumed Chairmanship: 05/21	Technical Committee Chair: Angel Willey (MD)	Law Enforcement Committee Representative: Greg Garner (SC)
Vice Chair: Erika Burgess (FL)	Advisory Panel Chair: Vacant	Previous Board Meeting: May 4, 2022
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS (13 votes)		

2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2022

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.

4. Set 2022 Specifications (11:40-11:50 a.m.) Final Action

Background

- NOAA Fisheries published proposed 2023 Coastal Sharks Specifications in September. The proposed rule includes a season start date of January 1 and quotas for the Atlantic Region and No Regional Quota Management Groups for 2023 are unchanged from 2022 levels.
- The fishing season will start with a commercial retention limit of 55 for Large Coastal Sharks other than sandbar sharks per vessel per trip. The retention limit of Blacknose sharks will start at 8 sharks per vessel trip.

Presentations

- NOAA Fisheries Proposed Rule for 2023 Specification by D. Colson Leaning

Board actions for consideration at this meeting

- Set the 2023 coastal shark specifications including commercial opening dates and commercial possession limit by management group.

5.Consider Fishery Management Plan Review and State Compliance of the 2020 Fishing Year (11:50 a.m.-12:00 p.m.) Action

Background

- State Compliance Reports are due annually on August 1st.
- The Plan Review Team reviewed each state report and compiled the annual FMP Review for the 2020 fishing year.
- Massachusetts has requested *de minimis* status and the TC recommends that *de minimis* status be granted.

Presentations

- Overview of the FMP Review Report by D. Colson Leaning (**Briefing Materials**)

Board actions for consideration at this meeting

- Accept 2020 FMP Review and State Compliance Report.
- Approve *de minimis* requests from Massachusetts.

6. Other Business/Adjourn

Coastal Sharks

Activity level: Low

Committee Overlap Score: low (some overlap with Sciaenids Board species)

Committee Task List
• TC – August 1st: Annual compliance reports due

TC Members: Angel Willey (MD, Chair), Bryan Frazier (SC), Donna McDowell (GA), Brent Winner (FL), Greg Skomal (MA), Chris Scott (NY), David Behringer (NC), Conor McManus (RI), Greg Hinks (NJ), Joshua McGilly (VA), Matt Gates (CT), Tobey Curtis (NOAA), Michael Frisk (NY), Scott Newlin (DE), Julie Neer (SAFMC), Dustin Colson Leaning (ASMFC)

DRAFT PROCEEDINGS OF THE

ATLANTIC STATES MARINE FISHERIES COMMISSION

COASTAL SHARKS MANAGEMENT BOARD

The Westin Crystal City
Arlington, Virginia
May 4, 2022

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

Draft Proceedings of the Coastal Sharks Management Board Webinar
May 2022

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ATTENDANCE

Board Members

Dan McKiernan, MA (AA)
Raymond Kane, MA (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Jason McNamee, RI (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)
Matt Gates, CT, proxy for J. Davis (AA)
Bill Hyatt, CT (GA)
Jim Gilmore, NY (AA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)
Joe Cimino, NJ (AA)
Tom Fote, NJ (GA)
John Clark, DE (AA)
Roy Miller, DE (GA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Mike Luisi, MD, Administrative proxy
Robert Brown, Sr., MD, proxy for R. Dize (GA)
Lewis Gillingham, VA, Administrative proxy
Shanna Madsen, VA, proxy for Sen. Mason (LA)
Chris Batsavage, NC, proxy for K. Rawls (AA)
Jerry Mannen, NC (GA)
Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Mel Bell, SC (AA)
Chris McDonough, SC, proxy for Sen. Cromer (LA)
Doug Haymans, GA (AA)
Spud Woodward, GA (GA)
Hannah Hart, FL, proxy for J. McCawley (AA)
Karyl Brewster-Geisz, NMFS

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

Staff

Bob Beal
Toni Kerns
Tina Berger
Kristen Anstead
Maya Drzewicki
Emilie Franke
Lisa Havel
Chris Jacobs
Jeff Kipp
Dustin Colson Leaning
Sarah Murray
Julie Simpson
Deke Tompkins
Geoff White

Guests

Debra Abercrombie, US FWS
Jordan Andrews, *Press Herald*
Max Appelman, NOAA
Pat Augustine, Coram, NY
Alan Bianchi, NC DENR
Karen Bradbury, Ofc. Sen. Whitehouse
Bill Brantley, NC DENR
Jeff Brust, NJ DEP
Laura Cimo, NOAA
Maureen Davidson, NYS DEC
Guy DuBeck, NOAA
Dawn Franco, GA DNR
Pat Geer, VMRC
Bob Giordano
Deborah Hahn, US FWS
Brenden Harrison, NJ DEP
Greg Hinks, NJ DEP
Carol Hoffman, NYS DEC
Jesse Hornstein, NYS DEC
Jeff Kaelin, Lund's Fisheries
Carl LoBue, TNC
Paul Marzolla
John Maniscalco, NYS DEC
Kim McKown, NYS DEC
Steve Meyers
Rob O'Connor, NYS DEC
Derek Orner, NOAA
Michael Pierdinock
Jill Ramsey, VMRC
Leonard Rudow, *Fish Talk Mag*
Sean Breit-Rupe, Thompson McMullan
Chris Scott, NYS DEC
Somers Smott, VMRC
Carrie Soltanoff, NOAA
Drew Sommo
Craig Weedon, MD DNR
John Whiteside
John Page Williams, CBF
Ann Williamson, NOAA
Steve Witthuhn
Chris Wright, NOAA
Renee Zobel, NH FGD

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

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, a hybrid meeting, in-person and webinar; Wednesday, May 4, 2022, and was called to order at 10:15 a.m. by Chair Robert E. Beal.

CALL TO ORDER

CHAIR ROBERT E. BEAL: I would like to call to order the meeting of the Coastal Sharks Management Board. My name is Bob Beal; I am once again the stand-in Chair for this meeting. Mel Bell unfortunately is not able to be here, as I mentioned yesterday during the menhaden meeting. But Mel is online, if he has any comments we'll acknowledge him, for sure.

Erika Burgess from Florida is the Vice-Chair of this Board, and she's not here today. Hannah Hart is her proxy. Since neither the Chair nor the Vice-Chair are here, I will be chairing this meeting.

APPROVAL OF AGENDA

CHAIR BEAL: With that we'll jump right into it. Everyone has been provided an agenda in the supplemental materials that were sent around, and are on the Commission's website.

Are there any additions or changes to the agenda that is provided in the supplemental material? Seeing no hands, we'll have that agenda approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR BEAL: Essentially the same question for the proceedings from October of 2021. It's been a little while since this management board has gotten together. But the proceedings were on the briefing materials.

Any changes or adjustments to the proceedings of any sort? All right, seeing none, the proceedings from October of 2021 stand approved.

PUBLIC COMMENT

CHAIR BEAL: That brings us to public comment. Is there any public comment on items that are not included on the agenda? A pretty small crowd in the back of the room, and no hands are up.

No public comment that I can see. If needed, we'll provide the opportunity to have public comment later in the meeting.

CONSIDERATION OF ZERO RETENTION OR CLOSURE OF THE SHORTFIN MAKO FISHERY

CHAIR BEAL: With that I think we'll jump into Agenda Item Number 4, which is the Consideration of Zero Retention or Closure of the Shortfin Mako Fishery, and Karyl Brewster-Geisz from NOAA Fisheries is here, and she's going to give a presentation on the background of that. Whenever you're ready to go, Karyl, it's all yours. Thank you, glad to see you.

OVERVIEW OF THE NOAA FISHERIES PROPOSED RULE

MS. KARYL BREWSTER-GEISZ: Thanks, Bob, it's great to be here and to see everybody, and hello to everybody online. I'm here today to talk about our Proposed Rule on Shortfin Mako Sharks. I'll give you a little bit of the background and why we're doing this, and the request for public comments. Usually when I come, our rules have already closed public comment, but in this case, we are still open, so I'm looking forward to whatever comments all of you have. This proposed rule is a reaction to ICCATs, the International Commission for the Conservation of Atlantic Tuna recommendation on shortfin mako that came out of the November, 2021 meeting. If you remember, ICCAT recommendations are binding, they are not voluntary, so we are required to implement their recommendation, and that's what we are doing through this proposed rule. Our current regulations are not quite restrictive as the current ICCAT recommendation.

A little bit of a reminder about what ICCAT has done over the past few years regarding shortfin mako. In 2017 ICCAT assessed shortfin mako, and found that they were overfished and experiencing overfishing, and that significant reductions are needed in mortality, in order to even begin rebuilding the stock.

In 2019 they updated that 2017 assessment, and found that even more reductions were needed than thought, and recommended that ICCAT adopt a non-retention policy to accelerate the rates of recovery. In 2019 ICCAT also adopted Recommendation 19-06 to maintain the measures in 17-08. That was that 2017 recommendation, and called for additional measures to establish the rebuilding plan. That is what ICCAT looked at in 2021.

ICCAT Recommendation 21-09 prohibits the retention of shortfin mako in 2022 and 2023. It looked at whether or not there could be an allowance for limited retention after 2023, if fishing mortality across all nations is reduced below 250 metric tons. Fishing mortality is all landings all dead discards, all fisheries.

SCRS will be looking to confirm how to calculate that 250 metric tons at its upcoming meetings. ICCAT recommendation 21-09 also included additional measures such as minimum standards for handling and release of shortfin makos, improving data and scientific research on mating, nursing grounds, and also looking at whether or not the minimum sizes we have in effect now are effective at reducing mortality.

I'm now going to remind you, all of you, what we did, we being the United States in response to the previous ICCAT recommendations. In 2018, after the 2017 stock assessment, we took emergency action where we prohibited the retention of any live shortfin mako on commercial vessels, and we also established a recreational minimum size of 83 inches.

In 2019 we proposed and finalized Amendment 11, and that changed things a little bit. That did continue the commercial measures of no live retention. Pelagic longline vessels need to have electronic monitoring or videos to confirm that they are not retaining any live shortfin mako. Then recreationally we separated the minimum size into 71 inches fork length for males, and 83 inches fork length for females.

We also expanded the circle hook requirement. If you all remember, it was when we had Amendment 11 proposed that this body considered and then adopted Addendum V that allows for this body to make quick changes to minimum sizes and retention limits. Previously, before the 2017 stock assessment, U.S. catch across the entire Atlantic Basin represented approximately 14 percent of the total catch.

By 2020, as a result of the measures in Amendment 11, we reduced that percentage to 3 percent, and our U.S. catch and fishing mortality was reduced 90 percent from our 2013 to 2017 average. In other words, we did a really great job reducing our shortfin mako mortality. Unfortunately, that was not enough, and ICCAT now has a new recommendation, as I said 21-09, no retention for 2022 and 2023. We are proposing an alternative that would provide a flexible mako shark retention limit, with a default limit of 0 across the commercial and the recreational fisheries.

After 2023, if ICCAT determines that some retention is allowed, we could increase that retention limit. The retention limit would apply to all HMS permit holders, recreational and commercial, and all the existing prohibitions on other commercial gears would remain. During the fishing year we could increase that retention limit, once ICCAT tells us that we have that ability, or we could subsequently decrease it.

It all depends upon how catch rates are going. We are not setting an upper limit; we aren't setting what that retention limit would be above 0. It could be moving to 1 fish per person. If there is enough

retention, it could be 1 per person per year. It really depends upon how much mortality ICCAT tells us we are allowed.
Research of shortfin mako sharks would continue. Whether or not we allow researchers to retain dead shortfin makos would be done on a case-by-case basis, similarly to how we handle dusky sharks. Our preference is nonlethal sampling only. We did look at two other alternatives, one was keeping our no action or status quo measures from Amendment 11.

We determined that that was not consistent with ICCAT Recommendation 21-09. We also looked at whether or not we should prohibit shortfin mako sharks entirely, and decided that also was not consistent with the ICCAT recommendations, because the ICCAT recommendation does allow for retention at some point in the future. We are in the middle of the comment period, it closes next week on May 11th. We intend to publish the final rule in June.

That is when the entry into force date comes into effect from ICCAT, ICCAT is going to be holding additional meetings to test and determine the appropriateness of the additional measures in Recommendation 21-09. That brings me to the end, I am happy to answer any questions anyone has. If you have questions after the meeting, feel free to reach out to Carrie Soltanoff or Guy DuBeck of my staff, and you can always make comments at the web page as noted.

CHAIR BEAL: Great, thank you, Karyl for the presentation, and are there questions on the ICCAT decision or NOAAs proposed rule in response to that? John Clark and then Mike Luisi.

MR. JOHN CLARK: Thank you for the presentation, Karyl. I'm just curious, if the U.S. is only 3 percent of the take of mako sharks now, where is most of the catch coming from, and are those countries going to enforce this retention ban?

MS. BREWSTER-GEISZ: The negotiations at ICCAT were quite fierce last November, where you had a number of countries, such as Canada, that have already banned the retention of shortfin makos, and then countries such as the U.S. and the EU that still allow for retention. It was negotiations between all of these countries and Japan that led us to the prohibition of retention. There are a lot of countries in ICCAT. I would just say that the EU had a number of those landings, just like the U.S. did, and the countries within the EU and Japan.

MR. CLARK: Do you anticipate that enforcement will be good in the EU?

MS. BREWSTER-GEISZ: That is the hope. ICCAT does have its Compliance Committee that looks at whether or not countries are following the recommendations.

CHAIR BEAL: Mike Luisi, go ahead please.

MR. MICHAEL LUISI: Thanks for the presentation, Karyl. I had the opportunity, gosh, probably four, five years ago now, to spend a couple weeks at an ICCAT meeting, and I've never seen anything like it in my life. It was mind blowing. I guess my questioning is kind of along the lines of John's.

You know I feel like when the recommendation comes out of ICCAT, the United States takes serious and swift action. But I got the sense during the discussions that we were having at that meeting that there really isn't anybody being held to the fire, I guess. I mean there is a Compliance Committee, I understand that.

But it just is concerning that as John mentioned. You know we are a small fraction of the mortality, and we take these measures. It's responsible to take the measures. I just hope that in your work with ICCAT that we can really try to come up with a way to hold people accountable, hold other countries accountable for what those

recommendations are. That is my comment, thank you.

CHAIR BEAL: I have Jim Gilmore, then Jason McNamee, then Tom Fote.

MR. JAMES J. GILMORE: Thanks, Karyl, that's a great presentation. The Rule and even for ICCAT, is essentially a retention rule. Is there anything in there about targeting, or is it just simply retention?

MS. BREWSTER-GEISZ: Because there is no retention allowed, it doesn't really get into targeting. Although it does make it very clear that even once retention is allowed, it will be retention only of dead shortfin makos, that there will be no retention of live shortfin makos. The measures implemented in the recommendation also strengthen a lot of those data reporting requirements. Hopefully that will address some of the compliance issues that we've had.

CHAIR BEAL: Jim, you're all set, all right, Jason McNamee.

DR. JASON McNAMEE: Thank you for the presentation. My question is on the, so it's being reevaluated. It seems like a short amount of time. I'm wondering if there is going to be enough information to make sort of a judgment in 2023 that is different, or can we assume that, and I'm supportive of this by the way, but just wondering if we can sort of assume that this will persist probably past 2023.

MS. BREWSTER-GEISZ: I will tentatively say yes that I expect that it is unlikely all the countries will arrive at a point where all mortality from any catches is below 250 metric tons as soon as 2024. There is going to be another stock assessment, I want to say in 2024. We will have more information at that point. But as Europe has committed to looking at all the data that's coming in, and also trying to determine if the minimum sizes that we have currently in place would be effective, or if there are other measures effective in reducing mortality of makos once they're caught.

CHAIR BEAL: Thanks, Karyl, and Tom Fote, then I'll go to Doug Haymans.

MR. THOMAS P. FOTE: I was a little confused what you said, Karyl, because I understood you said both the recreational and the commercial, they reduced, they allow us to have a bycatch. But the recreational always lands live, so that means they will never be allowed to have a bycatch like in the commercial. I've got a second question after that if you want to answer that one first.

MS. BREWSTER-GEISZ: I'll answer that one first. Yes, the recommendation currently is dead only once retention is allowed. But ICCAT will be looking at those minimum sizes, and if they find that the minimum sizes are effective, then there is that possibility for live retention.

MR. FOTE: Okay, my second question is, what are the landings? Does ICCAT have any estimate of what the landings are by the nonmember countries that are not members of ICCAT, what their landings of shortfins are?

MS. BREWSTER-GEISZ: I do not have the answer to that one, I will get back to you. My thought is that most of the countries that are involved in ICCAT are the ones landing. There aren't that many.

MR. FOTE: I think of a couple, maybe it's changed over the last couple years, there were a lot of countries that were landing all kinds of things, and they weren't members, and they were actually landings in those countries, because they could away with not landing in ICCAT country. I don't know if there is any way of recording those numbers, and what the actual loss is. I'm sorry, I wasn't speaking into the microphone, did everybody hear me? Okay, thank you.

CHAIR BEAL: Tom, you all set, Karyl, you're all set? Mr. Haymans, please.

MR. DOUG HAYMANS: Karyl, I'm not speaking for everybody, but I certainly I'm just going to echo the fact that it's very disappointing that we just made regulations in the process we go through in the states, and now we have this. But more so, because this is controlled through the HMS permit, at least on the recreational side.

Is there really anything that some of our states need to do? I mean if we've already got in place the Amendment 11, or whatever it was, the 83-inch limit, right. Because you said there is obviously a difference between the prohibited and retention, right. Do I really need to do anything if HMS permit is going to control it?

MS. BREWSTER-GEISZ: Thank you for that question. The answer is yes. There are a number of states that do not require HMS permits in order to go fishing for sharks in state waters. While it is rare that such a state water fisherman fishing in state waters would catch a shortfin mako, it is not impossible for one to land a shortfin mako, and that would have repercussions for the United States.

MR. HAYMANS: Short follow up. What are those repercussions?

MS. BREWSTER-GEISZ: United States would be found out of compliance with ICCAT, which would mean possibly trade restriction for U.S. fish, or additional measures against us.

CHAIR BEAL: Hannah, do you have your hand up? Hannah Hart, please.

MS. HANNAH HART: Yes, I guess just a follow up to that. Is this something that we could consider *de minimis* for on a species level, given that, you know landings in state waters, especially recreationally are probably very few and far between? I don't know that we can disperse that MRIP data out, but just curious if that could be something we could consider.

MS. BREWSTER-GEISZ: ICCAT doesn't have a de minimis standing.

CHAIR BEAL: Any other hands around the table in the room? I've got one online, Lewis Gillingham, go ahead, please.

MR. LEWIS GILLINGHAM: Thank you, Karyl for the presentation this morning. I think inadvertently you've answered my initial question, which was that 250 metric ton threshold is for all 50 odd countries involved, not just the U.S. Then I would just remind, when we did this back in 2019, the major concern was exactly what's being expressed now, that are the other countries going to follow suit, where with these size limits we've almost essentially shut down the recreational fishery. I think people are afraid to keep a mako period, because they don't want to handle those bigger fish, plus they're not sure they can identify the males from females, I think it's almost gone to zero, so that has been very effective. That's all, thank you.

CHAIR BEAL: Other comments or questions? I've got a couple hands online. Bill Gorham, go ahead please, Bill.

MR. BILL GORHAM: Is there currently any countries that are out of compliance, or have been warned that they will be out of compliance in reference to this fishery? It seems like there is some resistance from other countries to follow suit with a drastic reduction, while the United States leads with only 3 percent, and a 90 percent reduction from when first asked. When you talk to fishermen, you kind of like to hear the light at the end of the tunnel, and it doesn't appear to be possible without the action of other countries.

MS. BREWSTER-GEISZ: At this point there are no countries that have been found out of compliance with recommendation 19-06 for ICCAT, which does allow for some retention of mako.

CHAIR BEAL: All right, that's all the hands I see around the room and online, so what is the pleasure of the Board? Is there a motion to take

like action as a Proposed Rule from NOAA or anything else? Oh, Dan, you had your hand up before. I'm sorry.

MR. DANIEL McKIERNAN: I guess I'm looking for guidance. I guess it's been identified that a recreational permit holder in state waters isn't subject to the federal HMS requirements, and so is it the expectation of NOAA that we would ban the harvest, and then write a caveat within the rule that federally permitted vessels, which we do for a lot of other fisheries.

Federally permitted vessels are allowed to bring product in, subject to federal rules. Is that the end point? I'm going to have to go back home. Then my second question is, what would be the timing for which we would enact this rule to satisfy the folks at NOAA and ICCAT?

CHAIR BEAL: Karyl, can you reply to that?

MS. BREWSTER-GEISZ: Yes. It would be wonderful if this body could enact measures that are consistent with what we're proposing. It is a binding recommendation, so at minimum we do need to prohibit retention this year and next year. That could be done through doing something like what we're proposing.

Changing the retention limit to zero, and providing some flexibility, which I believe Addendum V provides, or it could be that this body decides it's easier to just prohibit the retention of shortfin mako in state waters. There are lots of ways to go about doing it, but it would be really good if this body could be consistent with the recommendation.

CHAIR BEAL: You all set, Dan? Great, thanks. Yes, Tom, one more shot at it then Mike Luisi, did you have your hand up?

MR. FOTE: Yes, I just wanted to clear up what Dan said. I don't think that if you have an HMS permit, that even if you're fishing in state waters. It was like every other federal permit. If you have the federal permit you have to basically do the example of what's the most stringent regulation. If you have an HMS you can't fish in state waters. Is that correct?

MS. BREWSTER-GEISZ: That is correct, yes. If you have an HMS permit you have to abide by the more restrictive regulation, whether it's federal or state, because there are states that are more restrictive than us.

MR. FOTE: Because that really just affects people that are bycatching a mako while they're fishing for striped bass or something else in state waters, because if you're really targeting some sharks, no matter where you are you really have to have a federal permit.

CHAIR BEAL: Mike Luisi, go ahead, please.

MR. LUISI: Based on your request and the recommendation from Karyl, I think in the past we've tried to maintain consistency with the federal rulemaking process. I'm not prepared to go back home and start making changes now, but I think based on the final rule and the action that NOAA Fisheries takes on this, that it would be in the best interest of this Board to maintain that consistency. I'm happy to make a motion.

CHAIR BEAL: Mike, let me interrupt you. The staff has drafted a motion here, but it's essentially immediate. You know states would implement a zero retention or close their fisheries for shortfin mako right now. If you want to modify that to say upon publication of the final rule at NOAA, we would have to put that in there.

It depends on what the will of the group is, and what you want to do as the maker of the motion. If you want to close it now or wait until the final rule. We just need to put the final rule language in here, if that is what you want to do. The final rule should be out in June, right, Karyl? Yes, she's shaking her head, yes.

MR. LUISI: Yes, I think for the purposes of what we have to do at the state level, it would make more sense for me, personally, to implement that measure after the final rule. It will be an easier process. **I would move to set the retention limit to zero for shortfin mako, close the commercial and recreational fisheries for shortfin mako upon implementation of the NOAA final rule.**

CHAIR BEAL: Is there a second to that? John Clark, thank you. Discussion on this motion. A number of states around the table have their regulations linked to the federal regulations. Once the federal regulations go in place they automatically change. Maybe the timing, linking it to the final NOAA rule would make more consistency across our states. That might work. Other comments. I saw a couple hands, Chris Batsavage. Well, Mike, you're the maker of the motion. I'll go back to you, then Chris.

MR. LUISI: Yes, I'm not trying to complicate things. I hope it would be easier for the states around the table to implement those measures based on the final rule. But if not, I certainly welcome any comments on that.

CHAIR BEAL: We'll see where this takes us. Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, I can support the motion. I supported being consistent with the federal measures anyways. This gets to the point that not every state's administrative process is the same, and some states take a little longer than others. We could probably have this implemented in North Carolina right around the time the final rule comes out.

But I think it's important to have the consistent measures, just to close any potential loopholes that could occur with not having the same things in place in state waters, even though it might be unlikely to have makos in state waters. All you need is somebody to tell an enforcement officer that it caught it in state waters, and they have a hard time defending that in court. That's why I'm supporting this.

CHAIR BEAL: Dan McKiernan, please.

MR. McKIERNAN: Yes, I can support the measure, I just want there to be realistic expectations that each of us is going to have a unique rulemaking timeline, and so by virtue of getting the summary motions from this meeting, I'll be able to serve that upstairs, and I'm sure we can get it close to the adoption of the federal rule, but it may not be on the same timeframe.

CHAIR BEAL: That's fair, and I think a lot of states will be in that same situation. The administrative timelines to get these in place will vary, but the process will be started by this motion. Other comments. Yes, Chris.

MR. CHRIS WRIGHT: I would just like to repeat the having the specific language for the implementation of a NOAA rule is going to help. You know we have a fairly extended process for rule implementation, so our stuff ties to federal regulations, so this makes it a whole lot easier for us.

CHAIR BEAL: Great. I had Hannah.

MS. HART: Yes, I guess just a clarification question on timelines. We would still have some time after June to get this put in place. It's not like it has to be in place by June.

CHAIR BEAL: Yes, I think the idea is as soon as possible, given your administrative process after the publication of the final NOAA rule would be the goal. I know that's a little bit of a soft goal, but I think it's the best we can do with a short timeline and that sort of thing. But everybody's working in the same direction. Pat Geer.

MR. PAT GEER: Virginia is in favor of this. We will probably be able to do this in July at our meeting, so it will probably be effective August 1, so we're saying we'll be okay with that.

CHAIR BEAL: Thanks, Pat, also from Virginia I've got Lewis Gillingham online. His hand is up. Lewis, do you have something to add beyond Pat's comment?

MR. GILLINGHAM: Well, that is essentially what I was going to say as well. But I know Toni passed a poll to get an idea when states could implement that, and I didn't see that in any of the meeting materials, including the supplemental. Would this be a good time to take a look at that? I would like to know the results of that. But I know we support the idea of it, it's just the timing, the compliance time. Thank you.

CHAIR BEAL: Yes, Lewis, thanks for that suggestion. I think we've got a whole other agenda item and only about a half an hour to go in this meeting. Rather than go state by state through that poll, we can share that information with the states after this meeting. But I think the idea is pretty clear on the record from folks in the room that administrative processes vary up and down the coast. But everybody will try to do the best they can, and move as quickly as they can within their process, if that's okay.

Mel Bell, you had your hand up earlier, but I assume Chris McDonough made the same comment you would have made, is that correct? We can't hear you, Mel, but Chris verified you're all set, so we're good. Any other comments on this motion? All right, I'm going to take a gamble here. Is there any opposition to the motion that's on the board from folks around the table? I should have asked for caucuses, but it seemed like everyone was on pretty close to the same page here. **I don't see any hands for a caucus or any opposition to this motion. Are there any abstentions to the motion? Seeing no hands, the motion passes by consent.** We are all set. Yes, Mr. Haymans, go ahead.

MR. HAYMANS: There is a null down here from Georgia.

CHAIR BEAL: Georgia is a null vote, all right, n-u-l-l, sorry. Thank you, we will get that in the record. Georgia is a null vote. Excellent, so anything else on shortfin mako? Karyl, are you all set?

MS. BREWSTER-GEISZ: Yes, thank you very much.

CHAIR BEAL: Great, thank you. All right, we're going to go on to the next agenda item, which is talking about CITES and a number of sharks that are being proposed to be added to Appendix II. There are 54 species there for listed, and 50 lookalikes, and Dustin can take us through that and give us the background on the issue. It's all you, Dustin, go ahead.

MR. DUSTIN COLSON LEANING: In the interest of time and striped bass today, I'll try to move through this quickly. The Commission was recently made aware of the fact that Panama has proposed a listing of four IUCN listed shark species to CITES Appendix II. The Ganges and the smalltail shark are assessed as critically endangered globally, and the dusky and the grey reef shark are assessed as endangered globally.

The proposal asserts that the regulation of trade in these species is necessary to avoid them from becoming eligible for inclusion in Appendix I in the near future. I'll get into what each of the appendices mean in a little bit. The proposal also includes the remaining members of the Carcharhinidae family, which includes 50 species.

The justification is provided that the fins and meat of these four species are very difficult to differentiate from the other 50 species in the family, many of which are already classified under IUCN as endangered as well. The proposal elaborates that customs enforcement capacity varies by country, and visual inspection is often the only tool available at their disposal for some countries.

To ensure none of the four proposed species slipped through undetected, they proposed all 50 lookalike species be included in Appendix II, which identification experts and educators say can be visually differentiated from other species that would not fall under CITES Appendix I and II listing. As a reminder, CITES Appendix II listing still allows for the international trade of that species, so long as the exporter is granted an export permit or a re-export certificate.

Permits or certificates are only to be granted if the relevant authorities are satisfied that certain conditions are met. Above all, that trade will not be detrimental to the survival of the species in the wild. Often CITES Appendix II listed species are not necessarily threatened with immediate extinction, but increased trade may bring them into that category, which would fall under Appendix I, a species that is threatened with extinction. Of the 54 proposed species, 12 of the species are currently managed by the Commission, and they are listed up here on the screen, by group as well. Blue, Bull, Blacktip, Lemon, Finetooth, Atlantic Sharpnose and Blacknose sharks are all currently quota managed species managed by the Commission within the Coastal Sharks FMP. Smalltail, Dusky, Caribbean Reef, Bignose and Galapagos sharks are prohibited species within the Commission's FMP. For your reference I've also provided stock status by species. Blue sharks, Atlantic Blacktip sharks, Atlantic Sharpnose, and Finetooth sharks are assessed to be not overfished, nor was overfishing occurring during the last assessment.

Blacknose and Dusky sharks are overfished and experiencing overfishing, as of the latest stock assessment, and the remaining six species, their stock statuses are just unknown at this point. I'll close with a quick snapshot of commercial landings in pounds for the seven species that are quota managed.

The fisheries for Blue, Bull, Lemon, Finetooth and Blacknose sharks have been quite small in the five of the most recent years for which we have data for. Blacktip and Atlantic Sharpnose shark harvest is between the 100,000 and 300,000 pound range from year to year. Now that you've been briefed on this issue, the question for the Board's consideration is, if the Commission should comment on this proposal, to add 54 shark species to CITES Appendix II.

Deb Hahn from the Association of Fish and Wildlife Agencies originally brought this to ASMFCs and to state agencies attention, to see if the Commission would like to provide comment on the draft proposal, and they are looking for comment in a relatively fast turnaround, hopefully by the end of next week.

If it is the will of the Board here to have the Commission provide comment, that would be a tasking to the Policy Board to consider this issue again tomorrow. We do have a draft motion prepared, but it might be helpful for the Board to discuss some justification, or some of the content that they would like to be included in a letter, if such a letter is desired to be written.

CHAIR BEAL: Great, thanks, Dustin. Let's start with questions or comments on Dustin's presentation, and you know the CITES process is something ASMFC kind of dabbles in it from time to time. Process-wise I get it's not super familiar to all of us, but the question is, do we want to send a letter commenting on this, and if we do, what do you want the letter to say? Are we in favor or in opposition? If we're in opposition, why? What justification do we want to provide in that? With that, questions and comments. John Clark.

MR. CLARK: Yes, I just had a question, Bob. How much of the shark landed here is exported or would have some of these limits put on it?

MR. COLSON LEANING: It's a good question. I wish I was prepared for that question. I would have to get back to you on that.

MR. CLARK: If I can just follow up. I mean this is what would be covered, right? It's banned to the export of this shark, so if none of it is being exported it's not really a problem here.

MR. COLSON LEANING: Yes, that's correct. It would only be additional paperwork for exports. I definitely can get back to you on that, and I'm also wondering. I'm not sure if Karyl, with more experience working with coastal sharks, might have an idea. Sorry to put you on the spot, Karyl. If you don't have an answer that's completely fine.

CHAIR BEAL: Karyl, before you answer really quick: John, this doesn't ban the exports, it just creates a whole boatload of associated paperwork.

MR. CLARK: No, I get that, Bob. If it's one of those things where we're not doing this anyhow, I don't have any problem with joining CITES on it.

CHAIR BEAL: Fair enough. Karyl, do you have any numbers on exporting or product that stays domestic?

MS. BREWSTER-GEISZ: I am opening up our SAFE Report to find out the numbers. It is not just additional paperwork for the dealers, it's actually a lot of paperwork for the dealers. If I remember correctly, there are only certain ports that they can import and export product from, so this includes any product from the high seas, then good through the EEZ, which I think for most of the coastal sharks probably is not an issue. But let me get back to you. I'm opening the SAFE Report now, I'll get back to you in a minute.

CHAIR BEAL: Great, thanks, other questions while Karyl is picking through her files? I've got two hands online, Roy Miller, go ahead, please.

MR. ROY W. MILLER: A quick question. Since this proposal includes members of the family Carcharhinidae, the obvious question is some other families are currently not included, such as the hammerhead family, Sphyrnidae, the Tiger shark family. Are we going to see more of this in the future, or are they going to include the other shark species that might already be in the fin trade, such as the hammerhead?

MR. COLSON LEANING: Great question, Roy. There has been a proposed rule that has gone through the federal register of other shark species that have been proposed as well. U.S. Fish and Wildlife tends to categorize the listing of species in three different levels. Level A being most likely that U.S. Fish and Wildlife is going to put forward as a recommendation for Appendix II listing or Appendix I listing. No shark species made it into Row A, or Category A.

There were however, six species of hammerhead sharks that could potentially. The U.S. Fish and Wildlife is undecided at this time. They could forward a recommendation. None of those six, to my understanding, are within the species that the Commission manages. But in Category C, I think environmental NGOs have pretty much proposed all sharks be listed. But U.S. Fish and Wildlife Service has indicated that they are unlikely to forward that as a recommendation, unless there is greater amounts of data or support for those listings.

CHAIR BEAL: You know Roy, I guess to add to what Dustin said. I think the international concern and interest in shark fin trade and other things. Probably the short answer to your question is yes. More of these things are going to be proposed in the near future would be my guess. Mel Bell.

MR. MEL BELL: Yes, John kind of hit on it. I don't really have a clear picture on, and that's what Karyl is looking for, I guess, on how much actually gets exported. I know it's not something we track at the state level. We basically just deal with the initial wholesale dealers. But I was wondering, and Karyl mentioned that there was significant, I guess paperwork associated with this for the dealers. But is there also a requirement for the states to

basically be involved in permitting oversight or something? Beyond just the dealers, could the states get kind of dragged into the administrative process of this?

CHAIR BEAL: I think Karyl is going to help us with this, and she may have also opened the SAFE Report and can help with John Clark's question from earlier.

MS. BREWSTER-GEISZ: I will try to answer all the questions that have come up. In terms of shark exports. The U.S. doesn't export a lot. We do not have data by species. U.S. Census data does shark fins, shark fresh, shark frozen. In 2010, for example, we had 36 metric tons of fin exports. Now it's down to 3 metric tons in 2020.

Fresh exports were 222 metric tons of shark exports, and in 2020 it was 427, so that one went up. Frozen exports went from 244 in 2010 to 109 in 2020. Also keep in mind this is not just the Atlantic, this is the entire U.S. exports. There is not a lot, compared to some of our species, but it does seem to be increasing on the fresh exports.

There was a question about hammerhead sharks. Hammerhead sharks, great, smooth and scalloped are already listed on Appendix II. The proposal that has come forward is to list all the rest of the hammerhead species, and that includes for our purposes bonnethead sharks. Whether or not they should be listed, and the whole purpose there is fin look alike. All of this is people saying that the fins of the sharks look alike, and it's too difficult for enforcement to monitor them. In terms of the paperwork. I don't know specifically if the states would be involved.

I think they would be. Fish and Wildlife Service is the one who issues all the permits. They do reach out to us when they get applications for us to check our data. I am assuming, though I don't know for sure, that they would also reach out to the states to see if there is state data that would be applicable to making their decision on whether to issue the permit.

CHAIR BEAL: Great, thanks, Karyl, that's helpful on the import/export for sure. Dan McKiernan.

MR. McKIERNAN: Yes, just a point of clarification, Bob. I've been copied on two letters from Massachusetts Industry interests about possible listing of spiny dogfish and Winter Skate. Is this a separate issue that we're going to discuss either under Other Business, or by the Policy Board?

CHAIR BEAL: Yes. The idea was to see where this goes specific to these 54 species, recommendation to the Policy Board. During the Policy Board we were going to bring up spiny dogfish, as you recommended. American eel is back being proposed to be listed in Appendix II, again, we've commented on that multiple times. We're going to tackle both of those tomorrow during Policy Board.

MR. McKIERNAN: All right, thanks.

CHAIR BEAL: Any other comments on what to do with this later? I do have Deborah Hahn from Association of Fish and Wildlife Agency. She's kind of the CITES expert, so she might be able to help us out. I'm going to go to Deb, and hear her comment, and hopefully she can clarify some of these questions. Deb, are you available?

MS. DEBORAH HAHN: Yes, thanks, Bob. I was talking with Toni earlier this week and catching up in e-mails with Dustin, so I thought I would join in today just in case. Yes, so you've got a couple different things going on here. You've got a proposal from the country of Panama for the species that you just heard about, and then you have a federal register notice process, where the Fish and Wildlife Service goes out to the public and says, let's use considered listing, delisting, up listing, whatever it is within the CITES appendices.

That is where these other species of sharks and rays will come in in your discussions tomorrow. Because

they are in the undecided category within the federal register notice. If you do have any concerns, I'm not as familiar with shark's export. But it sounds like there is not a lot. But if there are concerns, it would be great to share those, just so that data and that information is in the public record, and Fish and Wildlife Service can take that into account when they make their decisions.

It is likely with sharks, I mean I kind of feel like we're destined to have them all listed eventually, and that's kind of the example of the Panama proposal, where you have a whole suite of sharks, and then a whole other 40 or more that are listed for lookalike issues. Again, as you guys noted, Appendix II did not ban international trade. It does add a burden to folks who are applying to new species internationally.

From a state perspective, it just sort of depends. Some of our states that export a lot of Appendix II species or support that export, like in Bobcat have to do tagging, have to do reporting every five years. For these sharks it should not be that burdensome. You may get a question from Fish and Wildlife every now and again about an export, and information on your laws and regulations.

One of the things they do is one, they make sure it was legally taken within the state regulations, and then also they may ask for data over time to try to determine whether the case is sustainable. That is where the voting can come in, but I don't believe it would be a lot, and I don't believe it would be regular communication on that.

AS for American eel, it is in the unlikely category within the federal register notice. It would be great just to have some public record comments from all of you on that just so they are there. But it is highly unlikely that there will be anything moving forward on American eel this year. I'll stop there and answer the comments.

CHAIR BEAL: Great, thanks, Deb, for the comments. Very helpful, and we'll see if there are questions directed at you. I've got one more member at the table, then I've got one member of the public with his hand up. I'll go to the table, Spud Woodward, and then we'll go to the member of the public.

MR. A.G. "SPUD" WOODWARD: Question for Karyl. Where are we in terms of harvesting along the Atlantic coast, sharks pursuant to the quotas? Are we hitting the quotas? Are we chronically under harvesting? What is the general trend?

MS. BREWSTER-GEISZ: We are so far below the quota of all of these species.

MR. WOODWARD: I guess this is my comment on this is, in the South Atlantic, and I assume this is going to become a problem farther north is, shark depredation is an increasingly annoying problem. It's leading to increasing fishing mortality; you know when fish have to be discarded and then replaced by a whole fish that can be legally landed.

My question is, is this going to further disincentivize commercial harvest, and lead to further depression of domestic landings? A lot of folks, right or wrong, perceive that one of the solutions to shark depredation is to max out the allowable removals, you know whether it be recreational, but primarily commercial. I guess my question is, is this going to be a disincentive that may continue to dampen down domestic landings?

CHAIR BEAL: Is that rhetorical, Spud, or are you directing it at someone?

MR. WOODWARD: No, I would like somebody to give me at least a perspective on it, because just as a lay person that's not involved, the more complicated you make things, sometimes that's just another disincentive for people to do it. I'm just curious if it's enough of a disincentive that it will affect people's willingness to stay in the shark

fishery, to be active in the shark fishery, that kind of thing.

CHAIR BEAL: Karyl, you took your mask off like you are willing to respond. I don't know if you want to respond. Do you have a response to that?

MS. BREWSTER-GEISZ: I can tell you what we've been hearing. We recently released our shark fishery review. It is a draft document; we're still working on the final. What we found is that the commercial shark fishery overall is not doing well. Number of permits are decreasing. The trend in the retention of sharks meeting the quotas is going down. The number of active permit holders is going down.

A lot of this happened after hammerhead sharks were listed. Dealers have reported difficulty getting the permits or even having the context in which to make the sales if they happen to get a Fish and Wildlife permit to export hammerhead sharks. In short, what I am hearing is the fishermen and dealers are telling us that yes, at least listing hammerheads and silky sharks and the other sharks that have recently been listed as Appendix II has been a disincentive for people to come into the fishery.

CHAIR BEAL: Thanks, Karyl. As I said, I have one hand in the public, then we can come back and talk about whether we should send a letter or not. With that, John Whiteside, just pretty quickly. We're starting to run a little bit late on time here, so if you could make your comment quickly that would be great.

MR. JOHN WHITESIDE: Yes, good morning. This is regarding spiny dogfish and Winter Skate. It's tied into what you're saying, so I'm not sure whether I should comment now or you want me to wait on that. I'll hold if you want.

CHAIR BEAL: Yes, let's wait on that until tomorrow's Policy Board meeting if you're okay with that, John.

MR. WHITESIDE: I am, as long as that's also going to be the last comments that would be taken before a decision on sending a letter or not, because that is what this is all about.

CHAIR BEAL: Well, the decision on the shark letter that we're talking about now is an independent decision from the spiny dogfish letter, so it will be two different suggestions.

MR. WHITESIDE: Okay, thank you very much.

CHAIR BEAL: With that, you know as I mentioned, we've commented on eels, this isn't an Eel Board meeting, but we have commented on eels as a Commission that said, we don't support listing in Appendix II, because ASMFC and the states have a very stringent management program, very restrictive quotas, very effective management.

The import and export are highly controlled on America eels, especially elvers, export of elvers is highly controlled through a few control points, et cetera, et cetera. Does this group want to say something similar to that about sharks? In other words, very conservative management program in the United States, effective shark finning enforcement and monitoring and that sort of thing, if folks feel that way?

Is that kind of the idea that folks want to put into a letter, or the other way, which is does this Board support the listing in Appendix II. It is really up to the group, but I just wanted to give everyone perspective on what this group has said, what the Commission has said about American eel in the past.

With that, any thoughts or comments on where we go from here? I sense not a strong feeling around the room. Anyone, just general direction. A letter to highlight the concerns that the Commission has, or letter to highlight support that the Commission has? Any direction at all would be great. Tom.

MR. FOTE: I just have great difficulty that we're putting things on lists just because they can't basically enforce what the laws are doing. Sooner or later we'll basically be putting a lot more sharks and everything else on these lists. Over the years I've been here a long time, I notice we never go back the other way. I'm still struggling with the bluefin tuna allocation that was made 30 years ago on the recreational sector. I have a problem. I would support the letter, because I just think it's so much paperwork and everything else involved that we don't need at this time. I'll leave it at that.
CHAIR BEAL: Mel Bell, you have a comment?

MR. BELL: Yes, you know we expressed a number of concerns in all of this. I just felt like maybe it would be good to at least get those on paper, because I guess we're lateralling this to the Policy Board for tomorrow. I'm not sure exactly what to say, but if somehow, we could capture some of our concerns at least, have them on a record. I would be in favor of saying something. But I guess we don't have to decide that right now, that would go to the Policy Board tomorrow.

CHAIR BEAL: Yes, that would be correct, we'll go to Policy Board tomorrow, Mel. Rick, please, go ahead.

MR. RICK BELLEVANCE: I don't have a specific position on this, but I have served in a previous role as Co-Chair of the International Relations Committee for the Association of Fish and Wildlife Agencies, have worked closely with Deb Hahn for the last several years. Just to give some context.

Frequently the states have chosen to weigh in on these issues in the context of acknowledging the vital role that sustainable use plays in conserving our natural resources, and that that ought to be taken into consideration on these listing decisions. As a result, this body might choose to follow that sort of lead of expressing the importance of sustainable use in advancing the conservation of shark species.

CHAIR BEAL: Thanks, Rick, appreciate that comment. Others around the table. You know the other option is individual states can comment on their own, and the Commission doesn't have to comment, if there is a difference of opinion around the table. Go ahead Dan, please.

MR. McKIERNAN: I would be in favor of the Commission writing a letter on behalf of the member states.

CHAIR BEAL: Dan, that letter would express concern with listing these 54 species in Appendix II?

MR. McKIERNAN: Yes.

CHAIR BELL: Great. We at staff will try to come up with a couple bullets to capture this conversation, and maybe reference some of the previous letters that we've sent on similar things, and get those maybe up on a slide for the Policy Board tomorrow, if that works for everybody. We'll go the other way. Is there any opposition to forwarding that to the Policy Board as a recommendation? All right, we'll do that.

REVIEW AND POPULATE THE COASTAL SHARKS ADVISORY PANEL

CHAIR BELL: We have one more agenda item on an Advisory Panel nomination. Tina, are you available for that?

MS. TINA L. BERGER: I am, thank you. I offer for the Board's consideration the nomination of Thomas Newman, an inshore gillnetter from North Carolina. Thomas replaces Dewey Hemilright, who served on the AP for many years, and we appreciate Dewey's contributions to the management program. I offer this for your consideration and approval.

CHAIR BEAL: Thank you, Tina, is there a nomination. Chris Batsavage.

MR. BATSAVAGE: I move to nominate Thomas Newman to the Coastal Sharks Advisory Panel from North Carolina.

CHAIR BEAL: Seconded by Pat Geer. Any opposition to this addition to the Coastal Shark Advisory Panel? **All right, seeing none; Thomas Newman is the newest member of the AP.**

ADJOURNMENT

CHAIR BEAL: Any other topics or other business to come before the Coastal Shark Management Board today? All right, seeing none we stand adjourned, and we'll start, I guess we have a little meeting of Striped Bass this afternoon. We'll start that at 11:30.

(Whereupon the meeting adjourned at 11:15 a.m. on Wednesday, May 4, 2022)

could retain an amount of red porgy over the longest amount of time during the fishing seasons and would increase the likelihood of red porgy remaining open to commercial harvest and available to consumers for as long as possible. Additionally, the proposed trip limit is expected to minimize discards of incidentally harvested red porgy when targeting other snapper-grouper species such as gray triggerfish and vermilion snapper.

Recreational Bag and Possession Limits

The current recreational bag and possession limits for red porgy in the South Atlantic, established by Amendment 13C to the FMP, are 3 per person per day, or 3 per person per trip, whichever is more restrictive. Amendment 50 would reduce the recreational bag and possession limits to 1 fish per person per day, or 1 fish per person per trip, whichever is more restrictive.

Given the substantial reduction in harvest needed to end the overfishing of red porgy and increase the likelihood of rebuilding the stock, the Council selected the lowest bag limit that was considered in Amendment 50 to continue to allow recreational retention and to help constrain harvest to the reduced recreational ACL.

Recreational Fishing Season

The recreational harvest of red porgy is currently allowed year-round until the recreational ACL is met or is projected to be met. Amendment 50 would establish a recreational fishing season for red porgy where harvest would be allowed May 1 through June 30. The recreational sector would be closed annually from January 1 through April 30, and July 1 through December 31. During the proposed seasonal closures, the recreational bag and possession limits for red porgy would be zero.

Given the substantial reductions in harvest that are needed to address the stock's overfishing and overfished determinations, shortening the time recreational fishing is allowed contributes to reducing the risk that recreational catches exceed the proposed reduced ACL. The Council selected the most conservative recreational fishing season alternative in Amendment 50 to reduce the chance the recreational ACL would be exceeded, while still allowing some recreational harvest opportunities to occur.

Recreational AMs

The current recreational AMs were established through Amendment 34 to the FMP (81 FR 3731, January 22, 2016). The AM includes an in-season closure for the remainder of the fishing year if recreational landings reach or are projected to reach the recreational ACL, regardless of whether the stock is overfished. The AM also includes post-season adjustments. If recreational landings exceed the recreational ACL, then during the following fishing year recreational landings will be monitored for a persistence in increased landings. If the total ACL is exceeded and red porgy are overfished, the length of the recreational fishing season and the recreational ACL are reduced by the amount of the recreational ACL overage.

Amendment 50 would revise the recreational AMs for red porgy. The current in-season closure and the post-season AM would be removed. The proposed recreational AM would be a post-season AM that would be triggered in the following fishing year if the recreational ACL is exceeded. If recreational landings exceed the recreational ACL, the length of the following year's recreational fishing season would be reduced by the amount necessary to prevent the recreational ACL from being exceeded in the following year. However, the length of the recreational season would not be reduced if the Regional Administrator determines, using the best scientific information available, that a reduction is not necessary.

The Council's intent in revising the recreational AMs is to avoid in-season closures of the recreational sector and extend maximum fishing opportunities to the sector during the proposed 2-month recreational season. The proposed AM would remove the current potential duplicate AM application of a reduction in the recreational season length and a payback of the recreational ACL overage if the total ACL was exceeded. Under this proposed measure, the AM trigger would not be tied to the total ACL, but only to the recreational ACL. The proposed modification would ensure that overages in the recreational sector do not in turn affect the catch levels for the commercial sector. Any reduced recreational season length as a result of the AM being implemented would apply to the recreational fishing season following a recreational ACL overage.

Proposed Rule for Amendment 50

A proposed rule to implement Amendment 50 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule for Amendment 50 to determine whether it is consistent with the FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted Amendment 50 for Secretarial review, approval, and implementation. Comments on Amendment 50 must be received by November 8, 2022. Comments received during the respective comment periods, whether specifically directed to Amendment 50 or the proposed rule, will be considered by NMFS in the decision to approve, partially approve, or disapprove, Amendment 50. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 6, 2022.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2022–19508 Filed 9–8–22; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 220902–0184; RTID 0648–XC082]

Atlantic Highly Migratory Species; 2023 Atlantic Shark Commercial Fishing Year

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: This proposed rule would adjust quotas and retention limits and establish the opening date for the 2023 fishing year for the Atlantic commercial shark fisheries. Quotas would be adjusted as required or allowable based on any underharvests from the 2022 fishing year. NMFS proposes the opening date and commercial retention limits to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas. The proposed measures could affect fishing opportunities for commercial shark fishermen in the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

DATES: Written comments must be received by October 11, 2022.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2022–0064, by electronic submission. Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2022–0064 in the search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of this proposed rule and supporting documents are available from the Atlantic Highly Migratory Species (HMS) Management Division website at *https://www.fisheries.noaa.gov/topic/atlantic-highly-migratory-species* or by contacting Ann Williamson (*ann.williamson@noaa.gov*) by phone at 301–427–8503.

FOR FURTHER INFORMATION CONTACT: Ann Williamson (*ann.williamson@noaa.gov*), Guy DuBeck (*guy.dubeck@noaa.gov*), or Karyl Brewster-Geisz (*karyl.brewster-geisz@noaa.gov*) at 301–427–8503.

SUPPLEMENTARY INFORMATION:

Background

Atlantic shark fisheries are managed primarily under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). The 2006 Consolidated Atlantic HMS Fishery Management Plan (2006 Consolidated HMS FMP) and its amendments are implemented by regulations at 50 CFR part 635.

For the Atlantic commercial shark fisheries, the 2006 Consolidated HMS FMP and its amendments established default commercial shark retention limits, commercial quotas for species and management groups, and accountability measures for underharvests and overharvests. The retention limits, commercial quotas, and accountability measures can be found at 50 CFR 635.24(a), 635.27(b), and 635.28(b). Regulations also include provisions allowing flexible opening dates for the fishing year (§ 635.27(b)(3)) and inseason adjustments to shark trip limits (§ 635.24(a)(8)), which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas. In addition, § 635.28(b)(4) lists species and management groups with quotas that are linked. If quotas are linked, when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)). Lastly, pursuant to § 635.27(b)(2), any annual or inseason adjustments to the base annual commercial overall, regional, or sub-regional quotas will be published in the **Federal Register**.

2023 Proposed Commercial Shark Quotas

NMFS proposes to adjust the quota levels for the various shark stocks and management groups for the 2023 Atlantic commercial shark fishing year (*i.e.,* January 1 through December 31, 2023) based on underharvests that occurred during the 2022 fishing year, consistent with existing regulations at § 635.27(b). Overharvests and underharvests are accounted for in the same region, sub-region, or fishery in which they occurred the following year, except that large overharvests may be spread over a number of subsequent fishing years up to a maximum of five years. If a sub-regional quota is overharvested, but the overall regional quota is not, no subsequent adjustment is required. Unharvested quota may be added to the quota for the next fishing year, but only for shark management groups that have shark stocks that are declared not overfished and not experiencing overfishing. No more than 50 percent of a base annual quota may be carried over from a previous fishing year.

Based on 2022 harvests to date, and after considering catch rates and landings from previous years, NMFS proposes to adjust the 2023 quotas for certain management groups as shown in Table 1. All of the 2023 proposed quotas for the respective stocks and management groups will be subject to further adjustment in the final rule after NMFS considers landings submitted in the dealer reports through mid-October. NMFS anticipates that dealer reports received after that time will be used to adjust 2024 quotas, as appropriate, noting that, in some circumstances, NMFS re-adjusts quotas during the subject year.

Because the Gulf of Mexico blacktip shark management group and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions are not overfished, and overfishing is not occurring, available underharvest (up to 50 percent of the base annual quota) from the 2022 fishing year for these management groups may be added to their respective 2023 base quotas. NMFS proposes to account for any underharvest of Gulf of Mexico blacktip sharks by dividing underharvest between the eastern and western Gulf of Mexico sub-regional quotas based on the sub-regional quota split percentage (§ 635.27(b)(1)(ii)(C)).

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, non-blacknose small coastal shark (SCS), blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2022 underharvests cannot be carried over to the 2023 fishing year because those stocks or management groups are overfished, are experiencing overfishing, or have an unknown status. There are no overharvests to account for in these management groups to date. Thus, NMFS proposes that quotas for these management groups be equal to the annual base quota without adjustment, although the ultimate decision will be based on current data at the time of the final rule.

The proposed 2023 quotas by species and management group are summarized in Table 1 and the description of the calculations for each stock and management group can be found below. All quotas and landings are in dressed weight (dw) metric tons (mt). Table 1 includes landings data as of July 15, 2022. Final quotas are subject to change based on landings as of mid-October 2022.

TABLE 1—2023 PROPOSED QUOTAS AND OPENING DATES FOR THE ATLANTIC SHARK MANAGEMENT GROUPS

Region or sub-region	Management group	2022 Annual quota (A)	Preliminary 2022 landings [1] (B)	Adjustments [2] (C)	2023 Base annual quota (D)	2023 Proposed annual quota (D + C)	Season opening date
Western Gulf of Mexico.	Blacktip Sharks	347.2 mt (765,392 lb)	210.9 mt (464,908 lb)	115.7 mt (225,131 lb)	231.5 mt (510,261 lb)	347.2 mt (765,392 lb).	January 1, 2023.
	Aggregate Large Coastal Sharks [3].	72.0 mt (158,724 lb)	67.3 mt (148,371 lb)		72.0 mt (158,724 lb)	72.0 mt. (158,724 lb).	
	Hammerhead Sharks [4].	11.9 mt (26,301 lb)	<2.0 mt (<4,400 lb)		11.9 mt. (26,301 lb)	11.9 mt. (26,301 lb).	
Eastern Gulf of Mexico.	Blacktip Sharks	37.7 mt (83,158 lb)	1.5 mt (3,339 lb)	12.6 mt (27,719 lb)	25.1 mt (55,439 lb)	37.7 mt. (83,158 lb).	
	Aggregate Large Coastal Sharks [3].	85.5 mt (188,593 lb)	36.1 mt (79,506 lb)		85.5 mt (188,593 lb)	85.5 mt. (188,593 lb).	
	Hammerhead Sharks [4].	13.4 mt (29,421 lb)	3.4 mt (7,487 lb)		13.4 mt (29,421 lb)	13.4 mt. (29,421 lb).	
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	112.6 mt (428,215 lb)	17.1 mt (37,639 lb)		112.6 mt (428,215 lb)	112.6 mt. (428,215 lb).	
	Smoothhound Sharks.	504.6 mt (1,112,441 lb)	0.0 mt (0 lb)	168.2 mt (370,814 lb)	336.4 mt (741,627 lb)	504.6 mt. (1,112,441 lb).	
Atlantic	Aggregate Large Coastal Sharks.	168.9 mt (372,552 lb)	48.0 mt (105,893 lb)		168.9 mt (372,552 lb)	168.9 mt (372,552 lb).	January 1, 2023.
	Hammerhead Sharks [4].	27.1 mt (59,736 lb)	21.5 mt (47,294 lb)		27.1 mt (59,736 lb)	27.1 mt. (59,736 lb).	
	Non-Blacknose Small Coastal Sharks.	264.1 mt (582,333 lb)	29.8 mt (65,727 lb)		264.1 mt (582,333 lb)	264.1 mt. (582,333 lb).	
	Blacknose Sharks (South of 34° N lat. Only).	17.2 mt (3,973,902 lb)	2.8 mt (6,231 lb)		17.2 mt (3,973,902 lb)	17.2 mt. (3,973,902 lb).	
	Smoothhound Sharks.	1,802.6 mt (3,973,902 lb)	176.8 mt (389,804 lb)	600.9 mt (1,324,634 lb)	1,201.7 mt (2,649,268 lb)	1,802.6 mt. (3,973,902 lb).	
No Regional Quotas.	Non-Sandbar LCS Research.	50.0 mt (110,230 lb)	2.1 mt (4,650 lb)		50.0 mt (110,230 lb)	50.0 mt (110,230 lb).	January 1, 2023.
	Sandbar Shark Research.	90.7 mt (199,943 lb)	38.2 mt (84,161 lb)		90.7 mt (199,943 lb)	90.7 mt. (199,943 lb).	
	Blue Sharks	273.0 mt (601,856 lb)	<1.0 mt (<2,200 lb)		273.0 mt (601,856 lb)	273.0 mt. (601,856 lb).	
	Porbeagle Sharks.	1.7 mt (3,748 lb)	0.0 mt (0 lb)		1.7 mt (3,748 lb)	1.7 mt. (3,748 lb).	
	Pelagic Sharks Other Than Porbeagle or Blue.	488.0 mt (1,075,856 lb)	20.6 mt (45,383 lb)		488.0 mt (1,075,856 lb)	488.0 mt. (1,075,856 lb).	

[1] Landings are from January 1, 2022 through July 15, 2022 and are subject to change.

[2] Underharvest adjustments can only be applied to stocks or management groups that are declared not overfished and have no overfishing occurring. The underharvest adjustments cannot exceed 50 percent of the base quota.

[3] NMFS transferred 11.3 mt dw of the aggregate LCS quota from the Gulf of Mexico eastern sub-region to the western sub-region on June 28, 2022 (87 FR 38676; June 29, 2022).

[4] NMFS transferred 6.8 mt dw of the hammerhead quota from the western Gulf of Mexico sub-region to the Atlantic region on June 28, 2022 (87 FR 38676; June 29, 2022).

Shark Management Groups Where Underharvests Can Be Carried Over

The Gulf of Mexico blacktip shark management group (which is divided between eastern and western sub-regions) and smoothhound shark management groups in the Gulf of Mexico and Atlantic regions are not overfished, and overfishing is not occurring. Pursuant to § 635.27(b)(2)(ii), available underharvest (up to 50 percent of the base annual quota) from the 2022 fishing year for these management groups may be added to their respective 2023 base quotas. Reported landings for blacktip sharks and smoothhound sharks have not exceeded their 2022 quotas to date.

Blacktip Sharks: The 2023 proposed commercial quota for blacktip sharks in the western Gulf of Mexico sub-region is 347.2 mt dw (765,392 lb dw) and in the eastern Gulf of Mexico sub-region is 37.7 mt dw (83,158 lb dw). As of July 15, 2022, preliminary reported landings for blacktip sharks in the Gulf of Mexico western sub-region were at 61 percent (210.9 mt dw) of their 2022 quota (347.2 mt dw), and in the eastern sub-region were at 4 percent (1.5 mt dw) of their 2022 quota (37.7 mt dw). Consistent with § 635.27(b)(1)(ii)(C), any underharvest would be divided between the two Gulf of Mexico sub-regions based on the percentages that are allocated to each sub-region (*i.e.,* 90.2 percent to the western sub-region and 9.8 percent to the eastern sub-region). As of July 15, 2022, the overall Gulf of Mexico blacktip shark management group is underharvested by 172.5 mt dw (380,303 lb dw). The proposed 2023 adjusted base annual quota for blacktip sharks in the western Gulf of Mexico sub-region is 347.2 mt dw (231.5 mt dw annual base quota + 115.7 mt dw 2022 underharvest = 347.2 mt dw 2023 adjusted annual quota) and in the eastern Gulf of Mexico sub-region is 37.7 mt dw (25.1 mt dw annual base quota + 12.6 mt dw 2022 underharvest = 37.7 adjusted annual quota).

Smoothhound Sharks: The 2023 proposed commercial quota for smoothhound sharks in the Gulf of Mexico region is 504.6 mt dw (1,112,441 lb dw) and in the Atlantic region is 1,802.6 mt dw (3,973,902 lb dw). As of July 15, 2022, there have been no smoothhound shark landings in the Gulf

of Mexico region, and 10 percent (176.8 mt dw) of their 2022 quota (1,802.6 mt dw) has been landed in the Atlantic region. NMFS proposes to adjust the 2023 Gulf of Mexico and Atlantic smoothhound shark quotas for anticipated underharvests in 2022 to the full extent allowed. The proposed 2023 adjusted base annual quota for Gulf of Mexico smoothhound sharks is 504.6 mt dw (336.4 mt dw annual base quota + 168.2 mt dw 2022 underharvest = 504.6 mt dw 2023 adjusted annual quota) and for Atlantic smoothhound sharks is 1,802.6 mt dw (1,201.7 mt dw annual base quota + 600.9 mt dw 2022 underharvest = 1,802.6 mt dw 2023 adjusted annual quota).

Shark Management Groups Where Underharvests Cannot Be Carried Over

Consistent with the current regulations at § 635.27(b)(2)(ii), 2022 underharvests cannot be carried over to the 2023 fishing year for the following stocks or management groups because they are overfished, are experiencing overfishing, or have an unknown status: sandbar shark, aggregated LCS, hammerhead shark, non-blacknose SCS, blacknose shark, blue shark, porbeagle shark, and pelagic shark (other than porbeagle or blue sharks) management groups. For these stocks, the 2023 proposed commercial quotas reflect the codified annual base quotas, without adjustment for underharvest. At this time, no overharvests have occurred, which would require adjustment downward.

Aggregate LCS: The 2023 proposed commercial quota for aggregated LCS in the western Gulf of Mexico sub-region is 72.0 mt dw (158,724 lb dw) and in the eastern Gulf of Mexico sub-region is 85.5 mt dw (188,593 lb dw). The 2023 proposed commercial quota for aggregated LCS in the Atlantic region is 168.9 mt dw (372,552 lb dw). In a recent action, NMFS transferred 11.3 mt dw of aggregate LCS quota from the eastern Gulf of Mexico sub-region to the western Gulf of Mexico sub-region (87 FR 38676; June 29, 2022). That inseason quota transfer would not impact the proposed actions in this rulemaking. As of July 15, 2022, preliminary reported landings for aggregated LCS in the western Gulf of Mexico sub-region were 81 percent (67.3 mt dw) of their 2022 quota (72.0 mt dw), in the eastern Gulf of Mexico sub-region were 49 percent (36.1 mt dw) of their 2022 quota (85.5 mt dw), and in the Atlantic region were 28 percent (48.0 mt dw) of their 2022 quota (168.9 mt dw). Reported landings from both Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2022 overall aggregated LCS quota to date. Given the unknown status of some species in the aggregated LCS complex, the aggregated LCS quota cannot be adjusted for any underharvests. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2023 quotas for aggregated LCS in the western and eastern Gulf of Mexico sub-regions and the Atlantic region be equal to their annual base quotas without adjustment.

Hammerhead Sharks: The 2023 proposed commercial quotas for hammerhead sharks in the western Gulf of Mexico sub-region is 11.9 mt dw (26,301 lb dw) and eastern Gulf of Mexico sub-region is 13.4 mt dw (29,421 lb dw). The 2023 proposed commercial quota for hammerhead sharks in the Atlantic region is 27.1 mt dw (59,736 lb dw). In a recent action, NMFS transferred 6.8 mt dw of hammerhead shark quota from western Gulf of Mexico sub-region to the Atlantic region (87 FR 38676; June 29, 2022). That inseason quota transfer would not impact the proposed actions in this rulemaking. As of July 15, 2022, preliminary reported landings of hammerhead sharks in the western Gulf of Mexico sub-region were less than 40 percent (<2.0 mt dw) of their 2022 quota (11.9 mt dw), in the eastern Gulf of Mexico sub-region were at 25 percent (3.4 mt dw) of their 2022 quota (13.4 mt dw), and in the Atlantic region were at 63 percent (21.5 mt dw) of their 2022 quota (27.1 mt dw). Reported landings from the Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2022 overall hammerhead quota to date. Given the overfished status of the scalloped hammerhead shark, the hammerhead shark quota cannot be adjusted for any underharvests. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2023 quotas for hammerhead sharks in the western and eastern Gulf of Mexico sub-regions and Atlantic region be equal to their annual base quotas without adjustment.

Blacknose Sharks: The 2023 proposed commercial quota for blacknose sharks in the Atlantic region is 17.2 mt dw (37,921 lb dw). This quota is available in the Atlantic region only for those vessels operating south of 34° N latitude. North of 34° N latitude, retention, landing, or sale of blacknose sharks is prohibited. As of July 15, 2022, preliminary reported landings of blacknose sharks in the Atlantic region were at 16 percent (2.8 mt dw) of their 2022 quota (17.2 mt dw). Given the overfished status of the blacknose shark, the blacknose shark quota cannot be adjusted for any underharvests. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2023 quota for blacknose sharks in the Atlantic region be equal to their annual base quota without adjustment.

Non-Blacknose SCS: The 2023 proposed commercial quota for non-blacknose SCS in the Gulf of Mexico region is 112.6 mt dw (428,215 lb dw) and in the Atlantic region is 264.1 mt dw (582,333 lb dw). As of July 15, 2022, preliminary reported landings of non-blacknose SCS in the Gulf of Mexico were at 15 percent (17.1 mt dw) of their 2022 quota (112.6 mt dw) and in the Atlantic region were at 11 percent (29.8 mt dw) of their 2022 quota (264.1 mt). Given the unknown status of bonnethead sharks within Atlantic and Gulf of Mexico non-blacknose SCS management groups, underharvests cannot be carried forward. Based on preliminary estimates and catch rates from previous years, NMFS proposes that the 2023 quotas for non-blacknose SCS in the Gulf of Mexico and Atlantic regions be equal to their annual base quotas without adjustment.

Blue Sharks, Porbeagle Sharks, and Pelagic Sharks (Other Than Porbeagle and Blue Sharks): The 2023 proposed commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273.0 mt dw (601,856 lb dw), 1.7 mt dw (3,748 lb dw), and 488.0 mt dw (1,075,856 lb dw), respectively. On July 1, 2022, NMFS published a final rule that establishes a shortfin mako shark retention limit of zero in commercial and recreational Atlantic HMS fisheries, consistent with a 2021 ICCAT recommendation (87 FR 39373). Retention of shortfin mako sharks was previously permitted, consistent with existing regulations, as part of the pelagic sharks complex. As of July 15, 2022, there have been no porbeagle shark landings, landings of blue sharks were less than 1 percent (<1.0 mt) of their 2022 quota (273.0 mt), and landings of pelagic sharks (other than porbeagle and blue sharks) were at 4 percent (20.6 mt dw) of their 2022 quota (488.0 mt dw). Given that all of these pelagic species are overfished, have overfishing occurring, or have an unknown status, underharvests cannot be carried forward. Based on preliminary estimates of catch rates from previous years, NMFS proposes that the 2023 quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle and blue sharks) be equal to their annual base quotas without adjustment.

Shark Research Fishery: The 2023 proposed commercial quotas within the shark research fishery are 50.0 mt dw (110,230 lb dw) for research LCS and

90.7 mt dw (199,943 lb dw) for sandbar sharks. Within the shark research fishery, as of July 15, 2022, preliminary reported landings of research LCS were at 4 percent (2.1 mt dw) of their 2022 quota (50.0 mt dw) and sandbar shark reported landings were at 42 percent (38.2 mt dw) of their 2022 quota (90.7 mt dw). Because sandbar sharks and scalloped hammerhead sharks within the research LCS management group are either overfished or overfishing is occurring, underharvests for these management groups cannot be carried forward. Based on preliminary estimates, NMFS proposes that the 2023 quotas in the shark research fishery be equal to their annual base quotas without adjustment.

Proposed Opening Dates and Retention Limits

In proposing the commercial shark fishing season opening dates for all regions and sub-regions, NMFS considered the ''Opening Commercial Fishing Season Criteria,'' listed at § 635.27(b)(3):

- The available annual quotas for the current fishing season;
- Estimated season length and average weekly catch rates from previous years;
- Length of the season and fishery participation in past years;
- Temporal variation in behavior or biology of target species (*e.g.,* seasonal distribution or abundance);
- Impact of catch rates in one region on another region;
- Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; and
- Effects of delayed openings.

When analyzing the criteria to open a commercial fishing season, NMFS considers the underharvests of the different management groups in the 2022 fishing year to determine the likely effects of the proposed commercial quotas for 2023 on shark stocks and fishermen across regional and sub-regional fishing areas. NMFS also examines the potential season length and previous catch rates to ensure, to the extent practicable, that equitable fishing opportunities will be provided to fishermen in all areas. Lastly, NMFS assesses the seasonal variation of the different species and management groups, as well as seasonal variation in fishing opportunities. At the start of each fishing year, the default commercial retention limit is 45 LCS other than sandbar sharks per vessel per trip in the eastern and western Gulf of Mexico sub-regions and in the Atlantic region, unless NMFS determines otherwise and publishes a notice of inseason adjustment in the **Federal Register** (§ 635.24(a)(2)). NMFS may adjust the retention limit from 0 to 55 LCS other than sandbar sharks per vessel per trip if the respective LCS management group is open under §§ 635.27 and 635.28.

NMFS also considered the seven ''Inseason Trip Limit Adjustment Criteria'' listed at § 635.24(a)(8):

- The amount of remaining shark quota in the relevant area, region, or sub-region, to date, based on dealer reports;
- The catch rates of the relevant shark species/complexes in the region or sub-region, to date, based on dealer reports;
- The estimated date of fishery closure based on when the landings are projected to reach 80 percent of the quota given the realized catch rates and whether they are projected to reach 100 percent before the end of the fishing season;
- Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments;
- Variations in seasonal distribution, abundance, or migratory patterns of the relevant shark species based on scientific and fishery-based knowledge;
- Effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the relevant quota; and/or
- Any shark retention allowance set by ICCAT, the amount of remaining allowance, and the expected or reported catch rates of the relevant shark species, based on dealer and other harvest reports.

When analyzing the inseason adjustment criteria, NMFS examines landings submitted in dealer reports on a weekly basis and catch rates based upon those dealer reports. NMFS has found that, to date, landings and subsequent quotas have not been exceeded. Given the pattern of landings over previous years, seasonal distribution of the species and management groups have not had an effect on the landings within a region or sub-region.

After considering both sets of criteria in §§ 635.24 and 635.28, NMFS is proposing to open the 2023 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and Caribbean Sea, on January 1, 2023, after the publication of the final rule for this action (Table 2). NMFS proposes to open the season on January 1, 2023, but recognizes that the actual opening date is contingent upon publication of the final rule in the **Federal Register**, and may vary accordingly. NMFS is also proposing to start the 2023 commercial shark fishing season with the commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip in both the eastern and western Gulf of Mexico sub-regions, and a commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip in the Atlantic region (Table 2). The final retention limits could change as a result of public comments and/or updated catch rates and landings information submitted in dealer reports.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP

Region or sub-region	Management group	Quota linkages [1]	Season opening date	Commercial retention limits for directed shark limited access permit holders [2]
Western Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2023	55 LCS other than sandbar sharks per vessel per trip.
	Aggregate Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Eastern Gulf of Mexico	Blacktip Sharks	Not Linked	January 1, 2023	55 LCS other than sandbar sharks per vessel per trip.
	Aggregate Large Coastal Sharks.	Linked.		
	Hammerhead Sharks.			
Gulf of Mexico	Non-Blacknose Small Coastal Sharks.	Not Linked	January 1, 2023	N/A.
	Smoothhound Sharks	Not Linked	January 1, 2023	N/A.

TABLE 2—QUOTA LINKAGES, SEASON OPENING DATES, AND COMMERCIAL RETENTION LIMIT BY REGIONAL OR SUB-REGIONAL SHARK MANAGEMENT GROUP—Continued

Region or sub-region	Management group	Quota linkages [1]	Season opening date	Commercial retention limits for directed shark limited access permit holders [2]
Atlantic	Aggregate Large Coastal Sharks.	Linked	January 1, 2023	55 LCS other than sandbar sharks per vessel per trip.
	Hammerhead Sharks.			
	Non-Blacknose Small Coastal Sharks.	Linked (South of 34° N lat. Only).	January 1, 2023	N/A.
	Blacknose Sharks (South of 34° N lat. Only).			8 blacknose sharks per vessel per trip.[3]
	Smoothhound Sharks	Not Linked	January 1, 2023	N/A.
No Regional Quotas	Non-Sandbar LCS Research	Linked [4]	January 1, 2023	N/A.
	Sandbar Shark Research.			
	Blue Sharks	Not Linked	January 1, 2023	N/A.
	Porbeagle Sharks.			
	Pelagic Sharks Other Than Porbeagle or Blue.			

[1] Section 635.28(b)(4) lists species and management groups with quotas that are linked. If quotas are linked, when the specified quota threshold for one management group or species is reached and that management group or species is closed, the linked management group or species closes at the same time (§ 635.28(b)(3)).

[2] Inseason adjustments are possible.

[3] Applies to Shark Directed and Shark Incidental permit holders.

[4] Shark research permits ''terms and conditions'' state that when the individual sandbar or research LCS quotas authorized by the permit are landed, all fishing trips under the permit must stop.

In the eastern and western Gulf of Mexico sub-regions, NMFS proposes opening the fishing season on January 1, 2023, for the aggregated LCS, blacktip shark, and hammerhead shark management groups, with a commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip for directed shark permits. This opening date and retention limit combination would provide, to the extent practicable, equitable opportunities across the fisheries management sub-regions. The season opening criteria listed in § 635.27(b)(3) requires NMFS to consider the length of the season for the different species and/or management groups in the previous years (§ 635.27(b)(3)(ii) and (iii)) and whether fishermen were able to participate in the fishery in those years (§ 635.27(b)(3)(iii)). In addition, the criteria listed in § 635.24(a)(8) require NMFS to consider the catch rates of the relevant shark species/complexes based on landings submitted in dealer reports to date (§ 635.24(a)(8)(ii)). NMFS may also adjust the retention limit in the Gulf of Mexico region throughout the season to ensure fishermen in all parts of the region have an opportunity to harvest aggregated LCS, blacktip sharks, and hammerhead sharks (see the criteria listed at §§ 635.27(b)(3)(v) and 635.24(a)(2) and (a)(8)(ii), (v), and (vi)). Given these requirements, NMFS reviewed landings on a weekly basis for all species and/or management groups and determined that fishermen have been able to participate in the fishery, and landings from both Gulf of Mexico sub-regions and the Atlantic region have not exceeded the 2022 overall aggregated LCS quota to date. For both the eastern and western Gulf of Mexico sub-regions combined, landings submitted in dealer reports received through July 15, 2022, indicate that 66 percent (103.4 mt dw), 55 percent (212.4 mt dw), and 29 percent (5.0 mt dw) of the available aggregated LCS, blacktip shark, and hammerhead shark quotas, respectively, have been harvested. Therefore, for 2023, NMFS is proposing opening both the eastern and western Gulf of Mexico sub-regions with a commercial retention limit of 55 LCS other than sandbar sharks per vessel per trip.

In the Atlantic region, NMFS proposes opening the aggregated LCS and hammerhead shark management groups on January 1, 2023. The criteria listed in § 635.27(b)(3) consider the effects of catch rates in one part of a region precluding vessels in another part of that region from having a reasonable opportunity to harvest a portion of the different species and/or management quotas (§ 635.27(b)(3)(v)). The 2022 data indicate that an opening date of January 1 would provide a reasonable opportunity for fishermen in every part of each region to harvest a portion of the available quotas (§ 635.27(b)(3)(i)), while accounting for variations in seasonal distribution of the different species in the management groups (§ 635.27(b)(3)(iv)). Because the proposed 2023 quotas and season lengths are the same as they were in 2022, NMFS anticipates that the participation of various fishermen throughout the region, would be similar in 2023 (§ 635.27(b)(3)(ii) and (iii)). Additionally, the January 1 opening date appears to meet the objectives of the 2006 Consolidated HMS FMP and its amendments (§ 635.27(b)(3)(vi)), because it provides equal fishing opportunities for fishermen to fully utilize the available quotas. Considering the reduced landings in the past 5 years, NMFS proposes to open the aggregated LCS and hammerhead shark management groups for the 2023 fishing year on January 1, 2023, with a retention limit of 55 LCS other than sandbar sharks per vessel per trip. Starting with the highest retention limit available could allow fishermen in the Atlantic region to more fully utilize the available science-based quota. As needed, NMFS may adjust the retention limit throughout the year to ensure equitable fishing opportunities throughout the region and ensure the quota is not exceeded (see the criteria at § 635.24(a)(8)). For example, if the quota is harvested too quickly, NMFS could consider reducing the retention limit as appropriate to ensure enough quota remains until later in the year. NMFS would publish in the **Federal Register** notification of any inseason adjustments of the retention limit.

All of the regional or sub-regional commercial fisheries for shark management groups would remain open until December 31, 2023, or until NMFS determines that the landings for any shark management group are projected to reach 80 percent of the quota given the realized catch rates and are projected to reach 100 percent of the quota before the end of the fishing season, or until a quota-linked species or management group is closed. If NMFS determines that a non-quota-linked shark species or management group fishery must be closed, then, consistent with § 635.28(b)(2) for non-

linked quotas (*e.g.,* eastern Gulf of Mexico blacktip sharks, western Gulf of Mexico blacktip sharks, Gulf of Mexico non-blacknose SCS, pelagic sharks, or the Atlantic or Gulf of Mexico smoothhound sharks), NMFS will publish in the **Federal Register** a notice of closure for that shark species, shark management group, region, and/or sub-region. The closure will be effective no fewer than 4 days from the date of filing for public inspection with the Office of the Federal Register.

For the regional or sub-regional Gulf of Mexico blacktip shark management group(s), regulations at § 635.28(b)(5)(i) through (v) authorize NMFS to close the management group(s) before landings have reached, or are projected to reach, 80 percent of the quota after considering the following criteria and other relevant factors: season length based on available sub-regional quota and average sub-regional catch rates; variability in regional and/or sub-regional seasonal distribution, abundance, and migratory patterns of blacktip sharks, hammerhead sharks, and aggregated LCS; effects on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; amount of remaining shark quotas in the relevant sub-region; and regional and/or sub-regional catch rates of the relevant shark species or management groups. The fisheries for the shark species or management group would be closed (even across fishing years) from the effective date and time of the closure until NMFS publishes in the **Federal Register** a notice that additional quota is available and the season is reopened.

If NMFS determines that a quota-linked species and/or management group must be closed, then, consistent with § 635.28(b)(3) for linked quotas, NMFS will publish in the **Federal Register** a notice of closure for all of the species and/or management groups in a linked group. The closure will be effective no fewer than 4 days from the date of filing for public inspection with the Office of the Federal Register. In that event, from the effective date and time of the closure until the season is reopened and additional quota is available (via publication of another notice in the **Federal Register**), the fisheries for all quota-linked species and/or management groups will be closed, even across fishing years. The quota-linked species and/or management groups are: Atlantic hammerhead sharks and Atlantic aggregated LCS; eastern Gulf of Mexico hammerhead sharks and eastern Gulf of Mexico aggregated LCS; western Gulf of Mexico hammerhead sharks and western Gulf of Mexico aggregated LCS; and Atlantic blacknose sharks and Atlantic non-blacknose SCS south of 34° N latitude.

Request for Comments

Comments on this proposed rule and on NMFS' determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities (as discussed below in the Classification section), may be submitted via *www.regulations.gov.* NMFS solicits comments on this proposed rule by October 11, 2022 (see **DATES** and **ADDRESSES**).

Classification

The NMFS Assistant Administrator has determined that this proposed rule is consistent with the 2006 Consolidated HMS FMP and its amendments, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

This rulemaking would implement previously adopted and analyzed measures with adjustments, as specified in the 2006 Consolidated HMS FMP and its amendments, and the Environmental Assessment (EA) that accompanied the 2011 Atlantic shark commercial fishing year rule (75 FR 76302; December 8, 2010). Impacts have been evaluated and analyzed in Amendment 2 (73 FR 35778; June 24, 2008; corrected 73 FR 40658; July 15, 2008), Amendment 3 (75 FR 30484; June 1, 2010; corrected 75 FR 50715; August 17, 2010), Amendment 5a (78 FR 40318; July 3, 2013), Amendment 6 (80 FR 50073; August 18, 2015), and Amendment 9 (80 FR 73128; November 24, 2015) to the 2006 Consolidated HMS FMP, and in the Final Environmental Impact Statements (FEISs) for Amendments 2, 3, and 5a, and the EAs for Amendments 6 and 9. The final rule for Amendment 2 implemented base quotas and quota adjustment procedures for sandbar shark and non-sandbar LCS species/management groups, and Amendments 3 and 5a implemented base quotas for Gulf of Mexico blacktip shark, aggregated LCS, hammerhead shark, blacknose shark, and non-blacknose SCS management groups and quota transfers for Atlantic sharks. The final rule for Amendment 6 implemented a revised commercial shark retention limit, revised base quotas for sandbar shark and non-blacknose SCS species/management groups, new sub-regional quotas in the Gulf of Mexico region for blacktip sharks, aggregated LCS, and hammerhead sharks, and new management measures for blacknose sharks. The final rule for Amendment 9 implemented management measures, including commercial quotas, for smoothhound sharks in the Atlantic and Gulf of Mexico regions. In 2010, NMFS prepared an EA with the 2011 Atlantic shark commercial fishing year rule (75 FR 76302; December 8, 2010) that describes the impact on the human environment that would result from implementation of measures to delay the start date and allow for inseason adjustments. NMFS has determined that the quota adjustments and season opening dates of this proposed rule and the resulting impacts to the human environment are within the scope of the analyses considered in the FEISs and EAs for these amendments, and additional National Environmental Policy Act analysis is not warranted for this proposed rule.

This action is exempt from review under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this determination is as follows.

This proposed rule would adjust quotas and retention limits and establish the opening date for the 2023 fishing year for the Atlantic commercial shark fisheries. NMFS would adjust quotas as required or allowable based on any overharvests and/or underharvests from the 2022 fishing year. NMFS has limited flexibility to otherwise modify the quotas in this proposed rule. We note that the impacts of the quotas (and any potential modifications based on overharvests or underharvests from the previous fishing year) were analyzed in previous regulatory flexibility analyses, including the initial regulatory flexibility analysis and the final regulatory flexibility analysis that accompanied the 2011 Atlantic shark commercial fishing year rule (75 FR 76302; December 8, 2010). That final rule established the opening dates and quotas for the 2011 fishing season and implemented new adaptive management measures, including flexible opening dates and inseason adjustments to shark trip limits. Consistent with the adaptive management measures implemented in 2011 and based on the most recent data, in this action NMFS proposes the opening date and commercial retention limits to provide, to the extent practicable, fishing opportunities for commercial shark fishermen in all regions and areas.

This proposed rule's measures could affect fishing opportunities for commercial shark fishermen in the

northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Section 603(b)(3) of the Regulatory Flexibility Act (RFA) requires agencies to provide an estimate of the number of small entities to which the rule would apply. SBA has established size criteria for all major industry sectors in the United States, including fish harvesters. SBA's regulations include provisions for an agency to develop its own industry-specific size standards after consultation with SBA and to provide an opportunity for public comment (see 13 CFR 121.903(c)). Under this provision, NMFS may establish size standards that differ from those established by the SBA Office of Size Standards, but only for use by NMFS and only for the purpose of conducting an analysis of economic effects in fulfillment of the agency's obligations under the RFA. To utilize this provision, NMFS must publish such size standards in the **Federal Register**, which NMFS did on December 29, 2015 (80 FR 81194; 50 CFR 200.2). In that final rule, effective on July 1, 2016, NMFS established a small business size standard of $11 million in annual gross receipts for all businesses in the commercial fishing industry (NAICS 11411) for RFA compliance purposes. The 2011 initial regulatory flexibility analysis/final regulatory flexibility analysis analyzed the overall number of limited access permits, which covers all of our active participants today. NMFS still considers all HMS permit holders to be small entities because they have average annual receipts of less than $11 million for commercial fishing.

As of June 2022, this proposed rule would apply to the approximately 209 directed commercial shark permit holders, 251 incidental commercial shark permit holders, 198 smoothhound shark permit holders, and 70 commercial shark dealers. Not all permit holders are active in the fishery in any given year. Active directed commercial shark permit holders are defined as those with valid permits that landed one shark based on HMS electronic dealer reports. Of the 460 directed and incidental commercial shark permit holders, to date this year, 15 permit holders landed sharks in the Gulf of Mexico region, and 53 landed sharks in the Atlantic region. Of the 198 smoothhound shark permit holders, to date this year, 60 permit holders landed smoothhound sharks in the Atlantic region, and only 1 landed smoothhound sharks in the Gulf of Mexico region. As described below, NMFS has determined that all of these entities are small entities for purposes of the RFA.

Based on the 2022 ex-vessel prices (Table 3), fully harvesting the unadjusted 2023 Atlantic shark commercial base quotas could result in estimated total fleet revenues of $9,779,528. For adjusted management groups, the following are changes in potential revenues resulting from the adjustments proposed in this rule. For the Gulf of Mexico blacktip shark management group, NMFS is proposing to adjust the base sub-regional quotas upward due to underharvests in 2022. The increase for the western Gulf of Mexico blacktip shark management group could result in a potential $196,451 gain in total revenues for fishermen in that sub-region, while the increase for the eastern Gulf of Mexico blacktip shark management group could result in a potential $34,094 gain in total revenues for fishermen in that sub-region. For the Gulf of Mexico and Atlantic smoothhound shark management groups, NMFS is proposing to increase the base quotas due to underharvest in 2022. This would cause a potential gain in revenue of $463,518 for the fleet in the Gulf of Mexico region, and a potential gain in revenue of $1,377,619 for the fleet in the Atlantic region. Since a small business is defined as having annual receipts not in excess of $11 million, and each individual shark fishing vessel would be its own entity, the total Atlantic shark fishery is within the small entity definition since the total revenue is less than $12 million (*i.e.,* the estimated total fleet revenues plus the potential gain in revenues due to underharvest). NMFS has also determined that the proposed rule would not likely affect any small governmental jurisdictions.

TABLE 3—AVERAGE EX-VESSEL PRICES PER lb dw FOR EACH SHARK MANAGEMENT GROUP, 2022

Region	Species	Average ex-vessel meat price	Average ex-vessel fin price
Western Gulf of Mexico	Blacktip Shark	$0.77	
	Aggregated LCS	0.70	
	Hammerhead Shark	0.70	
Eastern Gulf of Mexico	Blacktip Shark	1.23	
	Aggregated LCS	1.03	
	Hammerhead Shark	0.91	
Gulf of Mexico	Non-Blacknose SCS	0.69	
	Smoothhound Shark	1.25	
Atlantic	Aggregated LCS	1.21	
	Hammerhead Shark	0.69	
	Non-Blacknose SCS	1.16	
	Blacknose Shark	1.47	
	Smoothhound Shark	1.04	
No Region	Shark Research Fishery (Aggregated LCS)	0.97	
	Shark Research Fishery (Sandbar only)	1.15	
	Blue shark		
	Porbeagle shark		
	Other Pelagic sharks	1.44	
All	Shark Fins		$6.04
Atlantic	Shark Fins		1.80
GOM	Shark Fins		8.58

All of these changes in gross revenues are similar to the gross revenues analyzed in the 2006 Consolidated HMS FMP and its Amendments 2, 3, 5a, 6, and 9. The final regulatory flexibility analyses for those amendments concluded that the economic impacts on these small entities from adjustments such as those contemplated in this

action are expected to be minimal. In accordance with the 2006 Consolidated HMS FMP, as amended, NMFS now conducts annual rulemakings in which NMFS considers the potential economic impacts of adjusting the quotas for underharvests and overharvests. For the adjustments included in this proposed rule, NMFS concludes that the effects this proposed rule would have on small entities would be minimal.

In conclusion, although this proposed rule would adjust quotas and retention limits and establish the opening date for the 2023 fishing year for the Atlantic commercial shark fisheries, this proposed rule does not change the regulations and management measures currently in place that govern commercial shark fishing in Federal waters of the northwestern Atlantic Ocean, Gulf of Mexico, and Caribbean Sea. Furthermore, as described above, this action is not expected to affect the amount of sharks caught and sold or result in any change in the ex-vessel revenues those fishermen could expect, because, for the most part, the proposed quotas, retention limits (except for shortfin mako shark), and opening dates are the same as those for last year. In addition, as described above, for the areas in which this action proposes adjustments, the increases in revenues for the participating small entities are minimal. Therefore, NMFS has determined that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. As a result, an initial regulatory flexibility analysis is not required and none has been prepared. NMFS invites comments from the public on the information in this determination that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Authority: 16 U.S.C. 971 *et seq.;* 16 U.S.C. 1801 *et seq.*

Dated: September 6, 2022.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

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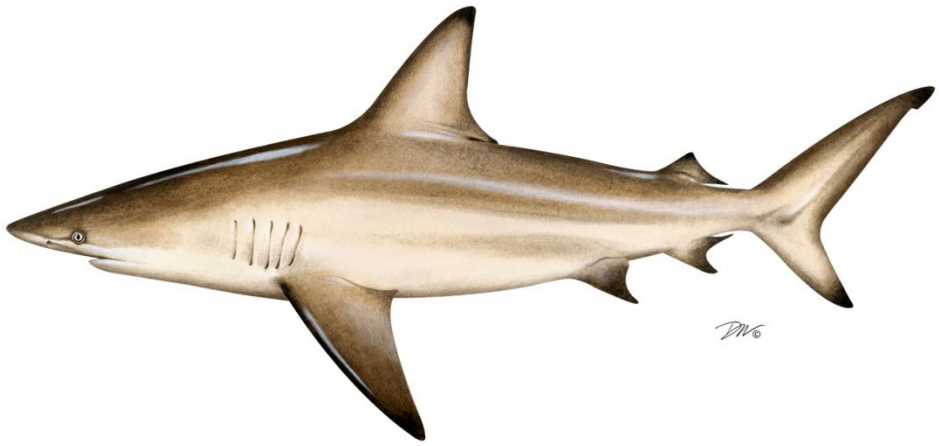
ATLANTIC STATES MARINE FISHERIES COMMISSION

REVIEW OF THE INTERSTATE FISHERY MANAGEMENT PLAN

FOR COASTAL SHARKS

2020 FISHING YEAR



Prepared by the Coastal Sharks Plan Review Team

June 2022

REVIEW OF THE ASMFC FISHERY MANAGEMENT PLAN AND STATE COMPLIANCE FOR COASTAL SHARKS FOR THE 2020 FISHERY

Management Summary

Date of FMP Approval:	August 2008
Amendments:	None
Addenda:	Addendum I (September 2009) Addendum II (May 2013) Addendum III (October 2013) Addendum IV (August 2016) Addendum V (October 2018)
Management Unit:	Entire coastwide distribution of the resource from the estuaries eastward to the inshore boundary of the EEZ
States With Declared Interest:	Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida
Active Boards/Committees:	Coastal Shark Management Board, Advisory Panel, Technical Committee, and Plan Review Team

I. Status of the Fishery Management Plan

The Atlantic States Marine Fisheries Commission (ASMFC; Commission) adopted its first fishery management plan (FMP) for coastal sharks in 2008. Coastal sharks were initially managed under this plan as six different complexes: prohibited, research, small coastal, non-sandbar large coastal, pelagic and smooth dogfish. The Board does not actively set quotas for any shark species. The Commission follows National Oceanic and Atmospheric Administration's (NOAA Fisheries) openings and closures for small coastal sharks, non-sandbar large coastal shark, and pelagic sharks. Species in the prohibited category may not be possessed or taken. Sandbar sharks may only be taken with a shark fishery research permit. All species must be landed with their fins attached to the carcass by natural means. This was adjusted through subsequent addenda listed below. The Interstate Fishery Management Plan for Coastal Sharks (FMP) established the following goals and objectives.

GOAL
The goal of the Interstate Fishery Management Plan for Coastal Sharks is "to promote stock rebuilding and management of the coastal shark fishery in a manner that is biologically, economically, socially, and ecologically sound."

OBJECTIVES

In support of this goal, the following objectives for the FMP include:

1. Reduce fishing mortality to rebuild stock biomass, prevent stock collapse, and support a sustainable fishery.
2. Protect essential habitat areas such as nurseries and pupping grounds to protect sharks during particularly vulnerable stages in their life cycle.
3. Coordinate management activities between state and federal waters to promote complementary regulations throughout the species' range.
4. Obtain biological and improved fishery related data to increase understanding of state water shark fisheries.
5. Minimize endangered species bycatch in shark fisheries.

The FMP has been adapted through the following addenda:

Addendum I (September 2009)

Approved in September 2009, Addendum I modified the FMP to allow commercial fishermen to process (remove the fins of) smooth dogfish at sea from March – June of each year, but also requires a 5-95% fin to carcass ratio for all dressed smooth dogfish carcasses. This Addendum also removed recreational smooth dogfish possession limits, as well as the 2-hour gill-net check requirement for commercial fishermen, which applied to all shark species.

Addendum II (May 2013)

Approved in May 2013, Addendum II modified Addendum I to allow commercial fishermen to process (remove the fins of) smooth dogfish at sea year-round but requires a 12-88% fin-to-carcass ratio for all dressed smooth dogfish carcasses. This ratio was consistent with the Shark Conservation Act of 2010. Addendum II also allocates state-shares of the upcoming federal smoothhound shark quota based on historical landings from 1998-2010.

Addendum III (October 2013)

Addendum III modifies the species groups to ensure consistency with NOAA Fisheries. It creates two new species groups (Blacknose and Hammerhead Species Groups). The addendum also increases the recreational minimum size limit for all hammerhead species to 78" fork length.

Addendum IV (August 2016)

Addendum IV allows 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, consistent with federal management measures.

Addendum V (October 2018)

Addendum V allows the Board to respond to changes in the stock status of coastal shark populations and adjust regulations through Board action rather than an addendum, ensuring greater consistency between state and federal shark regulations. Addendum V allows the Board to change a suite of commercial and recreational measures, such as recreational size and possession limits, season length, and area closures (recreational and commercial), in addition to the current specifications for just the commercial fishery, throughout the year when needed.

Under this provision, if the Board chooses to adjust measures through Board action, the public will be able to provide comment prior to Board meetings, as well as at Board meetings at the discretion of the Board Chair. Additionally, the Board can still implement changes in shark regulations through an addendum.

In 2019, in response to measures implemented by NOAA Fisheries through Amendment 11 for Federal Highly Migratory Species (HMS) Permit Holders, the Board approved changes to the recreational size limit for Atlantic shortfin mako sharks in state waters, specifically, a 71-inch straight line fork length (FL) for males and an 83-inch straight line FL for females. These measures were implemented in response to the 2017 Atlantic shortfin mako stock assessment that found the resource is overfished and experiencing overfishing. The states were required to implement the changes to the recreational minimum size limit for Atlantic shortfin mako by January 1, 2020.

Additionally in 2019, the Board moved to require non-offset circle hooks for the recreational shark fishery in state waters with an implementation date of July 1, 2020. The Board chose to do so after NOAA Fisheries requested that the states implement a circle hook requirement for the recreational fishery consistent with the measures approved in HMS Amendment 11.

Table 1. List of commercial shark management groups

Species Group	Species within Group
Prohibited	Sand tiger, bigeye sand tiger, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill and bigeye sixgill sharks
Research	Sandbar sharks
Non-Blacknose Small Coastal	Atlantic sharpnose, finetooth, and bonnethead sharks
Blacknose	Blacknose sharks
Aggregated Large Coastal	Silky, tiger, blacktip, spinner, bull, lemon, and nurse sharks
Hammerhead	Scalloped hammerhead, great hammerhead and smooth hammerhead
Pelagic	Shortfin mako*, porbeagle, common thresher, oceanic whitetip and blue sharks
Smoothhound	Smooth dogfish and Florida smoothhound sharks

*Final rule for zero retention of shortfin mako sharks is expected to be posted in July of 2022.

II. Status of the Stocks

Stock status is assessed by species or by species complex if there are not enough data for an individual assessment. Nine species have been assessed domestically, three species have been assessed internationally, and the rest have not been assessed. Table 2 describes the current stock status of all assessed shark species along with references for the stock assessments.

In December 2020, Southeast Data and Assessment Review SEDAR completed a benchmark assessment of the Atlantic blacktip shark (*Carcharhinus limbatus*) stock (SEDAR 65), which indicates the stock is not overfished and not experiencing overfishing.

In June 2020, the International Commission on the Convention of Atlantic Tunas (ICCAT)'s Standing Committee on Research and Statistics (SCRS) completed an assessment of Porbeagle sharks (*Lamna nasus*), which indicates the stock is overfished and not experiencing overfishing. As a result of the previous 2009 assessment, NOAA Fisheries established a 100-year rebuilding plan for porbeagle sharks; the expected rebuilding date is 2108.

The 2017 ICCAT assessment of the North Atlantic population of shortfin mako (*Isurus oxyrinchus)* indicates that the stock is overfished and overfishing is occurring. Multiple models were explored and new data sources were integrated. Combined probability of overfishing occurring and the stock being in an overfished state was 90% across all models.

The 2017 stock assessment (SEDAR 54) for sandbar sharks (*Carcharhinus plumbeus*) indicates the stock is overfished and not experiencing overfishing. This assessment used a new approach (Stock Synthesis) instead of the State Space Age Structure Production Model that was used in the previous assessment (SEDAR 21). A replication analysis conducted using the prior model (updated with data through 2015) resulted in the same stock status as the new model (overfished, no overfishing occurring). The rebuilding date for sandbar sharks is 2070.

The 2016 stock assessment update (SEDAR 21) for Atlantic dusky sharks (*Carcharhinus obscurus*) indicates the stock is overfished and experiencing overfishing. This latest review functioned as an update to the 2011 assessment, so no new methodology was introduced. However, all model inputs were updated with more recent data (i.e., 2010-2015 effort, observer, and survey data). The rebuilding plan for dusky sharks is 2107.

In 2015, a benchmark stock assessment (SEDAR 39) was conducted for the smoothhound complex, including smooth dogfish (*Mustelus canis*), the only species of smoothhound occurring in the Atlantic. The assessment indicates Atlantic smooth dogfish are not overfished and not experiencing overfishing.

The North Atlantic blue shark (*Prionace glauca*) stock was assessed by ICCAT's SCRS in 2015. Similar to the results of the previous 2008 stock assessment, the assessment indicated the stock is not overfished and not experiencing overfishing. However, scientists acknowledge there is a high level of uncertainty in the data inputs and model structural assumptions; therefore, the assessment results should be interpreted with caution.

SEDAR 34 (2013) assessed the status of Atlantic sharpnose sharks (*Rhizoprionodon terraenovae*) and bonnetheads (*Sphyrna tiburo*). The Atlantic sharpnose shark stock is not overfished and not experiencing overfishing. The stock status of bonnethead stocks (Atlantic and Gulf of Mexico) is considered unknown. Assessment results indicated the stock is not overfished with no

overfishing occurring, however all available data pointed towards separate stocks. As the assessment framework would not allow stocks to be split, the assessment continued under a single stock scenario. The results of the assessment were rejected by reviewers noting that the stocks need to be assessed independently. A benchmark assessment is recommended for both stocks of bonnetheads.

A 2011 benchmark assessment (SEDAR 21) of blacknose sharks (*Carcharhinus acrontus*) indicated the stock is overfished and experiencing overfishing. As described in the Magnuson-Stevens Act, NOAA Fisheries must establish a rebuilding plan for an overfished stock. As such, the rebuilding date for blacknose sharks is 2043.

The 2007 SEDAR 13 assessed the SCS complex, finetooth (Carcharhinus isodon), Atlantic sharpnose (Rhizoprionodon terraenovae), and bonnethead (Sphyrna tiburo) sharks (SEDAR 2007). The SEDAR 13 peer reviewers considered the data to be the 'best available at the time' and determined the status of the SCS complex to be adequate. Finetooth, Atlantic sharpnose, and bonnethead were all considered to be not overfished and not experiencing overfishing.

A 2009 stock assessment for the Northwest Atlantic and Gulf of Mexico populations of scalloped hammerhead sharks (*Sphyrna lewini*) indicated the Northwest Atlantic stock is overfished and experiencing overfishing (Hayes et al. 2009). This assessment was reviewed by NOAA Fisheries and deemed appropriate to serve as the basis for U.S. management decisions. In response to the assessment findings, NOAA Fisheries established a scalloped hammerhead rebuilding plan that will end in 2023. However, since the assessment, research has determined that in the U.S. Atlantic, a portion of animals considered scalloped hammerheads are actually a cryptic species, recently named the Carolina hammerhead (*Sphyrna gilberti*; Quattro et al. 2013). Little to no species-specific information exists regarding the distribution, abundance and life history of the two species, therefore for now, both species are currently managed under the name scalloped hammerhead. A research track assessment of the hammerhead complex (SEDAR 77) is ongoing.

Table 2. Stock Status of Atlantic Coastal Shark Species and Species Groups

Species or Complex Name	Stock Status		References/Comments
	Overfished	Overfishing	
Pelagic			
Porbeagle	Yes	No	Porbeagle Stock Assessment, ICCAT Standing Committee on Research and Statistics Report (2020); Rebuilding ends in 2108 (HMS Am. 2)
Blue	No	No	ICCAT Standing Committee on Research and Statistics Report (2015)
Shortfin mako	Yes	Yes	ICCAT Standing Committee on Research and Statistics Report (2017)
All other pelagic sharks	Unknown	Unknown	
Aggregated Large Coastal Sharks (LCS)			
Atlantic Blacktip	No	No	SEDAR 65 (2020)
Aggregated Large Coastal Sharks - Atlantic Region	Unknown	Unknown	SEDAR 11 (2006); difficult to assess as a species complex due to various life history characteristics/ lack of available data
Non-Blacknose Small Coastal Sharks (SCS)			
Atlantic Sharpnose	No	No	SEDAR 34 (2013)
Bonnethead	Unknown	Unknown	SEDAR 34 (2013)
Finetooth	No	No	SEDAR 13 (2007)
Hammerhead			
Scalloped	Yes	Yes	SEFSC Scientific Review by Hayes et al. (2009); Rebuilding ends in 2023 (HMS Am. 5a)
Blacknose			
Blacknose	Yes	Yes	SEDAR 21 (2010); Rebuilding ends in 2043 (HMS Am. 5a)
Smoothhound			
Atlantic Smooth Dogfish	No	No	SEDAR 39 (2015)
Research			
Sandbar	Yes	No	SEDAR 54 (2017); Rebuilding ends 2070 (HMS Am. 2)
Prohibited			
Dusky	Yes	Yes	SEDAR 21 update (2016); Rebuilding ends in 2108 (HMS Am. 5b)
All other prohibited sharks	Unknown	Unknown	

III. Status of the Fishery

Specifications (Opening, closures, quotas)

NOAA Fisheries sets quotas for coastal sharks through the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan and its amendments. The opening dates, closure dates, and quotas are detailed in Table 3. All non-prohibited coastal shark management groups opened on January 1, 2020. NOAA Fisheries closes commercial shark fisheries when 80% of the available quota is reached. When the fishery closes in federal waters, the Interstate FMP dictates that the fishery also closes in state waters. For 2020, the fishery did not close for any of the species groups before December 31.

Table 3. Commercial quotas and opening dates for 2020 shark fishing season

Species Group	Region	2020 Annual Quota (mt dw)	Season Opening Dates
Aggregated Large Coastal Sharks (LCS)	Atlantic	168.9	January 1, 2020
Hammerhead Sharks	Atlantic	27.1	
Non-Blacknose Small Coastal Sharks (SCS)	Atlantic	264.1	January 1, 2020
Blacknose Sharks (South of 34° N. Latitude only)	Atlantic	17.2	
Smoothhound sharks	Atlantic	1,802.6	January 1, 2020
Blue Sharks	No regional quotas	273.0	January 1, 2020
Porbeagle Sharks		1.7	
Pelagic Sharks other than Porbeagle or Blue		488.0	
Shark Research Quota (Aggregated LCS)		50.0	
Sandbar Research Quota		90.7	

Commercial Landings

Preliminary commercial landings of Atlantic large coastal shark species in 2020 were 227,783 pounds (lbs) dressed weight (dw), roughly a 30% increase from 2019 landings (Table 4; Figure 1). Commercial landings of small coastal shark species in 2020 were 234,557 lbs dw, a 28% decrease from 2019 landings (Table 5; Figure 1). Landings for small coastal shark species in 2016 were the lowest for the time series over the last 10 years and a result of the early closure of both blacknose and non-blacknose sharks south of 34˚00' N latitude on May 29, 2016. Commercial landings of Atlantic pelagic sharks in 2020 were 98,514 lbs dw, which represents an approximate 6% decrease from 2019 landings (Table 6; Figure 1).

Table 4. Commercial landings of authorized Atlantic large coastal sharks by species (lbs dw), 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022. Confidential landings denoted with a "C".

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Great hammerhead	371	7,406	13,538	36,892	20,454	17,646	22,881	26,410	27,529
Scalloped hammerhead	15,800	27,229	24,652	13,197	12,329	4,919	5,927	C	12,024
Smooth hammerhead	3,967	1,521	601	304	125	1,193	530	661	0
Unclassified	9,617	0	0	0	0	0	0	0	0
Hammerhead Total	**29,755**	**36,156**	**38,791**	**50,393**	**32,908**	**23,758**	**29,338**	**<35,000**	**39,553**
Blacktip	215,403	256,277	282,009	229,823	248,470	205,138	125,129	88,655	131,962
Bull	24,504	33,980	32,372	33,737	31,417	23,802	16,707	14,677	17,703
Lemon	21,563	16,791	13,047	18,158	19,205	12,005	8,910	5,096	4,479
Nurse	81	0	0	24	0	0	0	C	0
Silky	29	186	289	1,246	446	702	175	495	223
Spinner	10,643	26,892	25,716	33,002	55,610	62,314	58,347	59,066	71,094
Tiger	23,245	16,561	29,062	28,460	14,896	6,324	4,073	4,685	2,232
Unclassified	53,705	0	0	0	0	0	0	0	90
Aggregated LCS Total	**349,173**	**350,687**	**382,495**	**344,450**	**370,045**	**310,286**	**213,341**	**<175,000**	**227,783**
Sandbar	46,446	46,868	82,308	112,610	114,871	121,074	132,688	150,010	49,989

Table 5. Commercial landings of authorized Atlantic small coastal sharks by species (lbs dw), 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022.

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Blacknose	37,873	33,382	38,437	45,405	26,842	17,241	11,335	18,910	10,644
Bonnethead	19,907	22,845	13,221	5,885	1,688	6,077	4,240	4,134	1,818
Finetooth	15,922	19,452	19,026	8,712	5,647	19,874	17,071	9,688	7,793
Atl. Sharpnose	345,625	183,524	198,568	293,128	175,890	251,289	268,395	292,694	214,303
SCS Total	**419,819**	**259,203**	**269,252**	**353,130**	**210,067**	**294,481**	**301,041**	**325,426**	**234,557**

Table 6. Commercial landings of authorized pelagic sharks by species off the Atlantic coast of the United States (lbs dw), 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022. Confidential landings denoted with a "C".

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Blue	17,200	9,767	17,806	1,114	607	4272	C	0	0
Porbeagle	4,250	54	6414	0	0	C	811	C	0
Shortfin Mako	198,841	199,177	218,295	141,720	160,829	184,993	57,719	53,573	36,029
Unclassified Mako	0	0	0	0	0	0	0	0	0
Oceanic whitetip	258	62	22	0	0	0	0	0	0
Thresher	63,965	48,768	116,012	72,463	78,219	61,990	63,805	51,170	62,485
Unclassified pelagic	28,932	0	0	0	0	0	0	0	0
Pelagic Total	**313,446**	**257,828**	**358,549**	**215,297**	**239,655**	**<255,000**	**<125,000**	**<105,000**	**98,514**

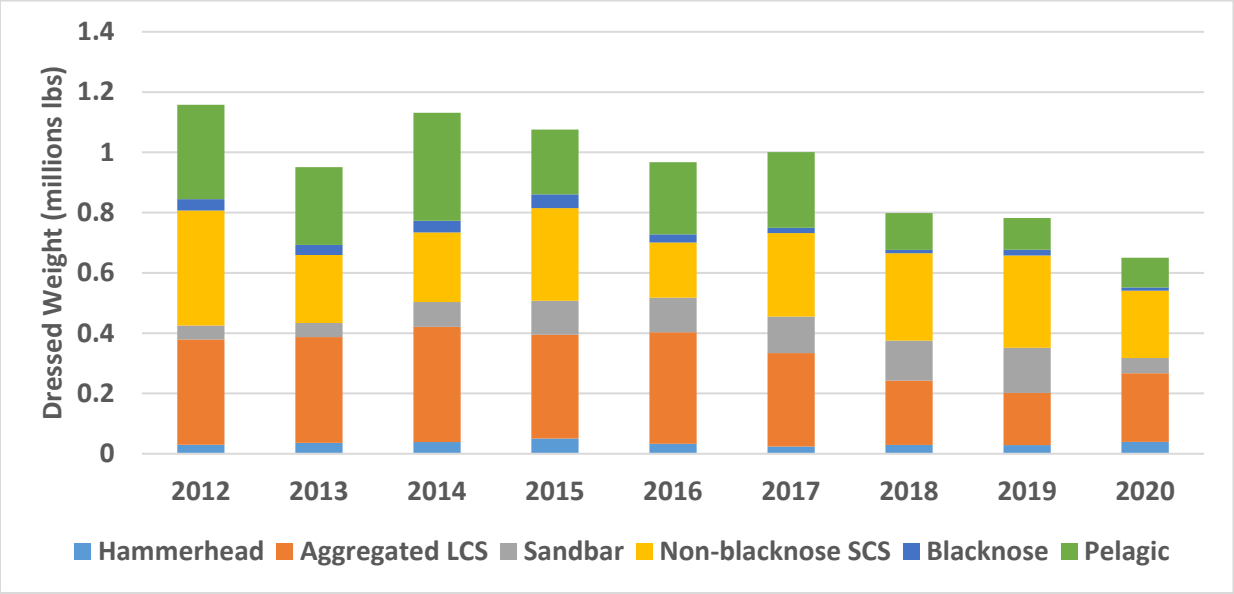


Figure 1: Commercial landings of coastal sharks off the east coast of the United States by species group, 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022.

Recreational Landings

By species group, 39,342 LCS, 5 hammerhead, 63,891 SCS, 61,129 smoothhound, and 237 sandbar sharks were harvested during the 2020 recreational fishing season (Table 7; Figure 2). Pelagic shark data for 2016-2020 are reported in metric tons whole weight, and in 2020 91.9 mt of pelagic sharks were harvested. In 2020, recreational harvest of prohibited Atlantic shark species was 58, reaching a 5-year low (Table 8).

Table 7. Estimated recreational harvest of Atlantic shark species by species group in numbers of fish, 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022.

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Blacktip	1,164	962	1,730	1,718	6,520	1,527	500	224	1,506
Bull	68	77	3	2	26	3,750	32	0	17
Lemon	0	0	0	144	1,207	764	0	4	0
Nurse	706	13	418	298	21	2	5	13	2
Spinner	1,145	390	847	82	761	623	153	66	27
Tiger	2	8	324	417	2,061	0	1	0	0
Unclassified	6,070	97	4,513	153	732	625	7,544	83,129	37,790
LCS Total	**9155**	**1547**	**7835**	**2814**	**11328**	**7291**	**8235**	**83436**	**39342**
Hammerhead Total	**41**	**600**	**900**	**1**	**799**	**0**	**0**	**2**	**5**
Blue shark[1]	0	4,165	3,449	9,421	30.8	21.9	15.2	16.7	8.4
Mako, shortfin[1]	1,314	6,856	16,531	12,835	167.5	192.4	125.1	25.2	24.5
Oceanic whitetip[1]	0	0	0	132	0	0	0	0	0
Porbeagle[1]	0	0	0	0	4.3	7.7	2.8	11.8	4.9
Thresher[1]	0	0	3,164	12,274	74.3	92	96.6	108.8	54.1
Pelagic Total[1]	**1314**	**11021**	**23144**	**34662**	**276.9**	**314**	**239.7**	**162.5**	**91.9**
Blacknose	0	70	4,146	1,211	225	13	13	83	661
Bonnethead	9,798	14,376	28,532	2,870	37,832	18,239	37,168	31,086	28,861
Finetooth	0	0	2,896	326	0	1,219	0	176	113
Atlantic sharpnose	23,207	44,832	56,052	28,869	155,023	38,784	24,468	40,144	34,256
SCS Total	**33005**	**59278**	**91626**	**33276**	**193,080**	**58,255**	**61,649**	**71,489**	**63,891**
Smoothhound	**31,669**	**17,308**	**49,835**	**43,721**	**145,689**	**58,446**	**40,736**	**56,375**	**61,129**
Sandbar[2]	**857**	**399**	**1,873**	**1,252**	**0**	**2,604**	**0**	**792**	**237**

[1]Pelagic shark data for 2012-2015 includes Gulf of Mexico landings in numbers of fish. Pelagic shark data for 2016-2020 is Atlantic only, but reported in metric tons whole weight.

[2]Sandbar shark data for 2016-2020 were pulled from the Marine Recreational Information Program.

Table 8. Estimated recreational harvest of prohibited Atlantic shark species in numbers of fish, 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022.

Species	2012	2013	2014	2015	2016	2017	2018	2019	2020
Atlantic angel	0	0	0	0	113	98	31	29	24
Basking	0	0	0	0	8	4	8	3	3
Bigeye sand tiger	0	0	0	0	0	0	0	0	0
Bigeye sixgill	0	0	0	0	0	0	0	0	0
Bigeye thresher	0	0	0	0	28	21	13	24	2
Bignose	0	0	0	0	1	0	0	0	1
Caribbean reef	0	0	0	0	0	0	1	0	0
Caribbean sharpnose	0	0	0	0	0	0	0	0	0
Dusky	15	16	2	0	29	22	121	19	4
Galapagos	0	0	0	0	0	0	0	0	0
Longfin mako	0	0	0	0	15	14	4	14	0
Narrowtooth	0	0	0	0	0	0	0	0	0
Night	0	0	0	0	8	31	74	83	0
Sand tiger	0	0	0	0	26	9	48	20	23
Sevengill	0	0	0	0	0	0	0	0	0
Sixgill	0	0	0	0	0	1	0	0	0
Whale	0	0	0	0	0	0	0	0	0
White	0	0	0	0	0	10	5	3	1
Prohibited Total	**15**	**16**	**2**	**0**	**228**	**210**	**305**	**195**	**58**

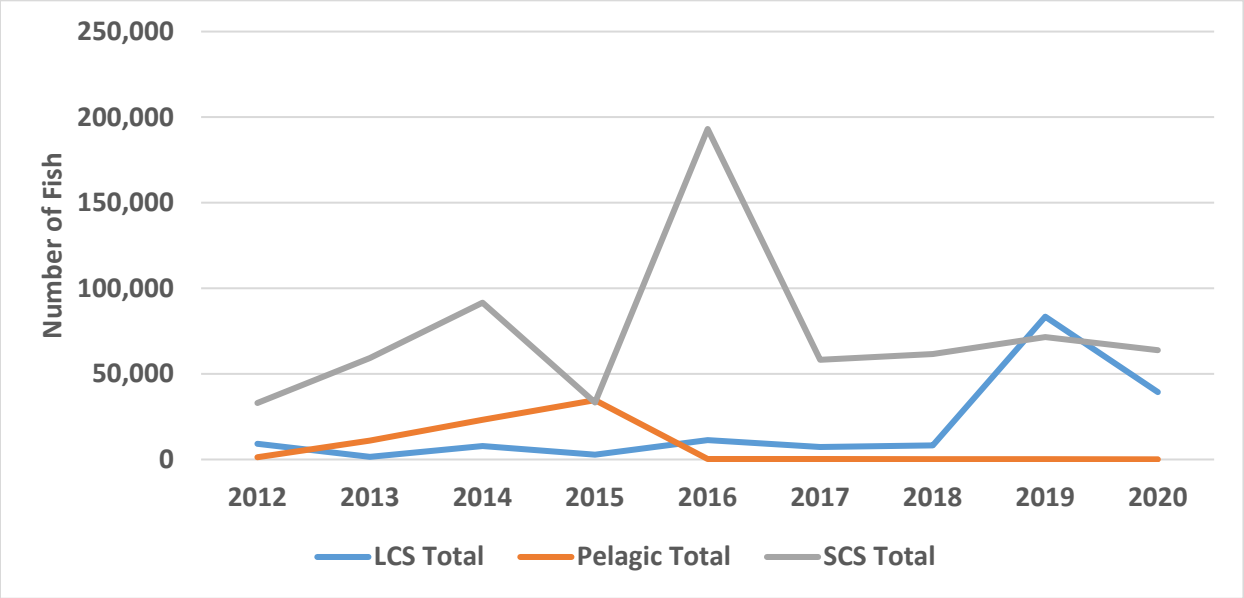


Figure 2: Estimated recreational harvest for LCS, pelagic, and SCS by species group, in numbers of fish, 2012-2020. Source: NOAA Fisheries Stock Assessment and Fisheries Evaluation Report, March 2022.

IV. Status of Research and Monitoring

Under the Interstate Fishery Management for Coastal Sharks, the states are not required to conduct any fishery-dependent or independent studies; however, states are encouraged to submit any information collected while surveying for other species. This section describes the research and monitoring efforts through the 2020 fishing year, where available.

The Cooperative Atlantic States Shark Pupping and Nursery (COASTSPAN) Survey appears in multiple state monitoring efforts. The survey monitors the presence of young-of-year and juvenile sharks along the east coast. It is managed and coordinated by NOAA's Northeast Fisheries Science Center (NEFSC) through the Apex Predators Program based at the NEFSC's Narragansett Laboratory in Rhode Island. Longline and gillnet sampling, along with mark-recapture techniques are used to determine relative abundance, distribution, and migration of sharks utilizing nursery grounds from Massachusetts to Florida. In 2020, COASTSPAN program participants were the Virginia Institute of Marine Science, South Carolina Department of Natural Resources, and University of North Florida (samples Georgia and north Florida state waters). In addition, the survey is conducted in summer months in Narragansett and Delaware Bays. Standardized indices of abundance from COASTPAN surveys are used in the stock assessments for large and small coastal sharks.

Massachusetts

DMF intensified its research on the fine-scale predatory behavior of white sharks off the coast of Massachusetts using a variety of methods. First, the existing acoustic receiver array was expanded to fill gaps around Cape Cod and to include the majority of towns along the Massachusetts coastline. Second, tagging and survey efforts were expanded into Cape Cod Bay. Third, two gridded acoustic arrays were deployed off Head of the Meadow Beach (Truro) and Nauset (Orleans) beaches with the Center for Coastal Studies to examine fine-scale movements of sharks as they relate to the habitat. Fourth, five real-time acoustic receivers were deployed off popular Outer Cape swimming beaches including: Newcomb Hollow and Lecounts (Wellfleet), Head of the Meadow (Truro), Nauset Trail (Orleans), and North Beach (Chatham). The receivers provided beach managers and lifeguards with immediate notifications when acoustically-tagged white sharks were detected close to these beaches. Fifth, acceleration data logging camera tags were deployed on white sharks to record very fine-scale movements at sub-second intervals, including tailbeat frequency, amplitude, body posture, and swimming depth. These data will be used to examine swimming patterns (e.g., traveling, resting, hunting, foraging, mating), bioenergetics, and, ultimately, provide estimates of the intensity of white shark predation on gray seals. Sixth, a fixed aerial camera system was tested in Orleans as a potential tool to observe nearshore white shark behavior.

As a result, 38 white sharks were tagged with acoustic transmitters off the Outer Cape in 2020; eight of these also carried acceleration data logging camera tags for up to two days. This brings the total to 230 individuals tagged since 2009. These efforts were conducted with funding and logistical support from local nonprofits, including the Atlantic White Shark Conservancy. Data

collected in 2020 will be used to enhance our understanding of white shark predatory behavior in these areas of high shark-human overlap to better inform public safety practices.

Rhode Island

Fishery-independent monitoring is limited to coastal shark species taken in the RI Division of Fish & Wildlife, Marine Fisheries Section (RIDEM DMF) monthly and seasonal trawl survey. Smooth dogfish are the only coastal shark species captured in the trawl survey regularly. A summary of fishery-independent monitoring for coastal sharks is summarized in Figure 3 below.

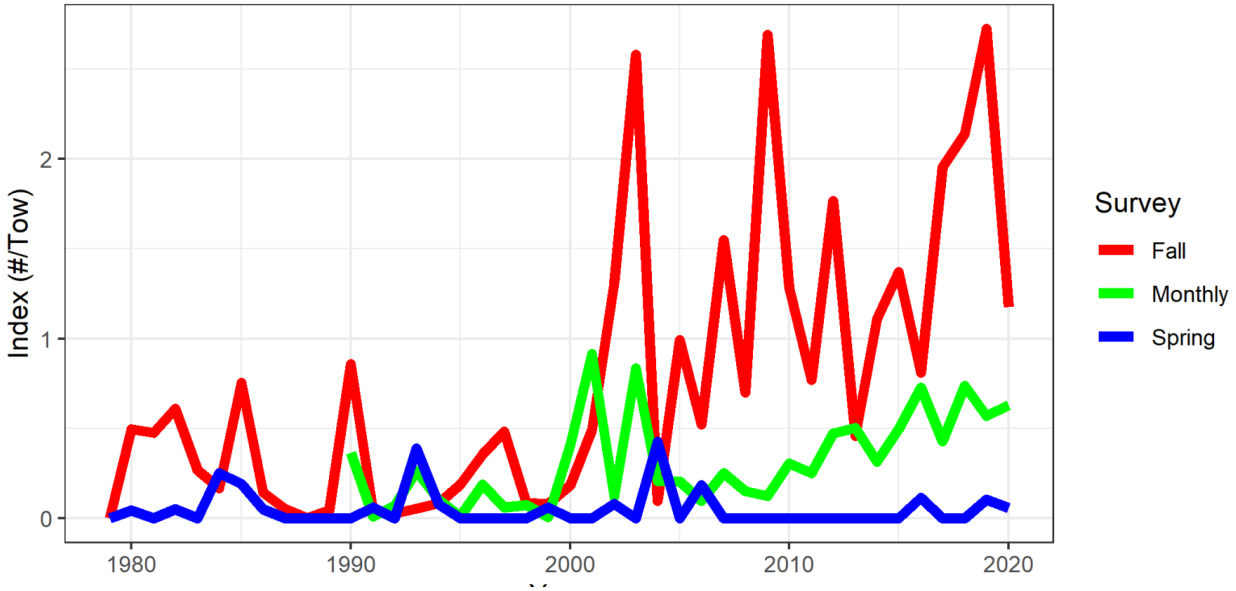


Figure 3. Smooth dogfish (*Mustelus canis*) annual mean number per tow from the RIDEM DMF bottom trawl surveys.

Connecticut

The Connecticut Department of Energy and Environmental Protection (CT DEEP) monitors the abundance of marine resources in nearby coastal waters with the Long Island Sound Trawl Survey. Spring (April, May and June) and fall (September and October) surveys are conducted each year. Other than smooth dogfish, coastal sharks are not encountered by the Long Island Sound Trawl Survey. Smooth dogfish are caught most often in the fall and the fall indices are presented below (Table 9; Figure 4). Due to the COVID-19 pandemic, the Long Island Sound Trawl Survey was not conducted in 2020. More information on the Long Island Sound Trawl Survey report can be found here.

Table 9. Long Island Trawl Survey Fall Smooth Dogfish indices (geometric mean catch/tow)

Year	Kg/tow	Count/tow
1984		2.47
1985		1.92
1986		1.43

1987		0.81
1988		0.91
1989		0.41
1990		0.55
1991		0.46
1992	1.20	0.78
1993	1.75	0.95
1994	0.76	0.49
1995	0.85	0.46
1996	1.16	0.80
1997	1.09	0.59
1998	1.32	0.72
1999	1.27	0.93
2000	2.85	1.88
2001	3.02	1.69
2002	6.09	3.58
2003	6.18	3.10
2004	2.95	1.44
2005	2.70	1.41
2006	2.46	0.94
2007	6.23	2.27
2008	1.25	0.63
2009	2.8	1.13
2010	-	-
2011	3.66	1.43
2012	4.69	2.41
2013	7.93	4.13
2014	11.05	5.78
2015	11.70	7.30
2016	8.30	5.24
2017	14.82	8.29
2018	9.57	7.17
2019	10.66	6.01
2010	-	-

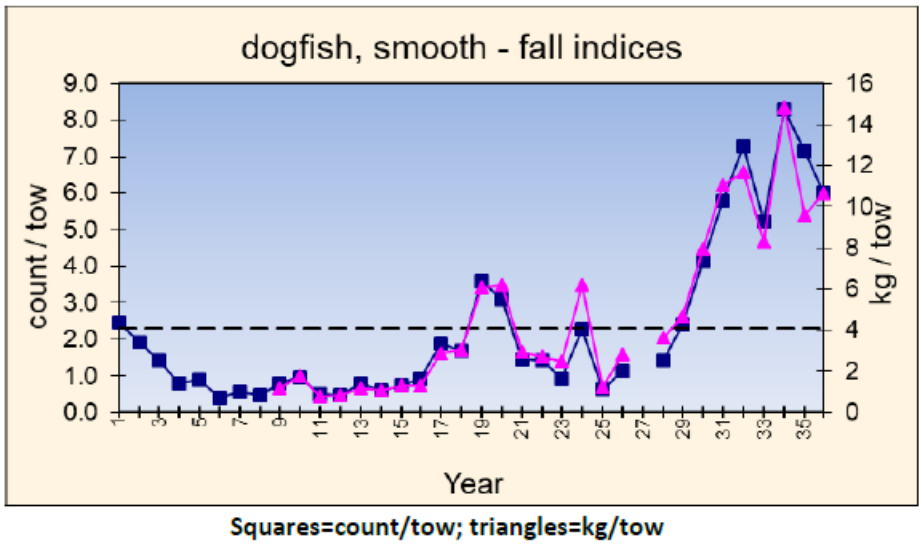


Figure 4. CT DEEP Smooth Dogfish Long Island Sound Trawl Survey

New York

While the New York Department of Environmental Conservation (NY DEC) does not currently conduct fishery-independent monitoring programs for Atlantic coastal sharks, multiple research permits were issued in 2020 for the collection of information on sand tiger sharks, blue sharks, sandbar sharks, shortfin mako sharks, dusky sharks, smooth hammerhead sharks, common thresher sharks, blacktip sharks, and white sharks by the Wildlife Conservation Society (WCS)/New York Aquarium; Stony Brook University; South Fork Natural History Museum; and the O'Seas Conservation Foundation. In 2020, WCS/New York Aquarium caught and released 5 sandbar sharks, 4 dusky sharks, 2 sand tiger sharks; Stony Brook University caught and sampled 8 sandbar sharks, 4 blue sharks, 3 dusky sharks, 2 sand tiger sharks, 1 white shark, 1 shortfin mako shark, 1 smooth hammerhead shark, and 1 blacktip shark; the South Fork Natural History Museum captured, tagged, and released 1 thresher shark, 1 dusky shark, 1 sandbar shark, and 1 white shark; the O'Seas Conservation Foundation collected and tagged 100 smooth dogfish sharks, 2 sandbar sharks, 1 spinner shark, 1 white shark, and 1 blue shark. Information on each shark (morphometrics and sex), as well location, date, biological samples collected, telemetry gear deployed, and final disposition of the animals were recorded.

New Jersey

New Jersey does not currently conduct any fishery-independent monitoring programs specifically for Atlantic coastal sharks, but does encounter sharks from the state's Ocean Stock Assessment Survey. In 2020, the Survey caught less than 1lb. of smooth dogfish only and no other coastal sharks (Figures 5 and 6). This amount is far less than normal as the survey was stalled due to COVID safety restrictions.

Sharks sampled by the New Jersey Ocean Stock Assessment Survey are collected by a 30-meter otter trawl every January, April, June, August, and October since 1989. Tows are approximately

1 nautical mile and are performed via a stratified random sampling design. Latitudinal strata are identical to those used by the National Marine Fisheries Service groundfish survey. Longitudinal boundaries are defined by the 18-30, 30-60, and 60-90-foot isobaths. Smooth Dogfish are cumulatively weighed and measured by total length in centimeters. All other shark species are sorted by gender, weighed individually, and measured by total length in centimeters.

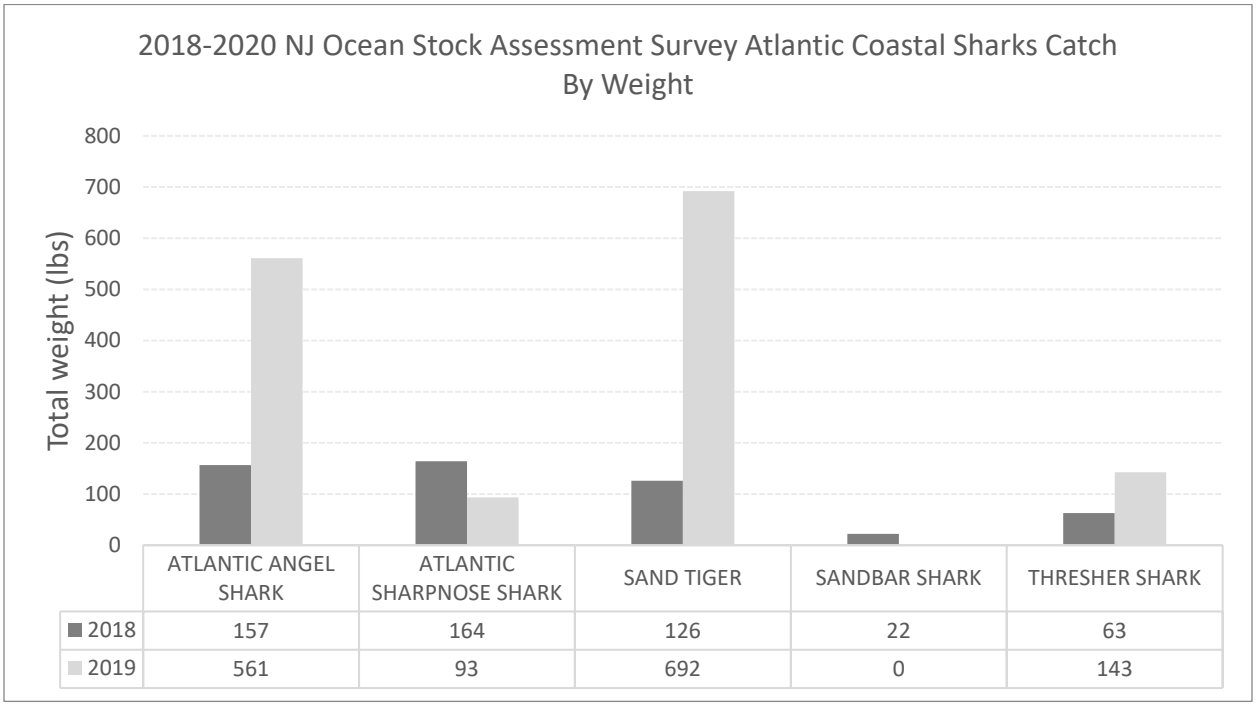


Figure 5. NJ 2018-2020 Ocean Stock Assessment Survey, Atlantic Coastal Sharks excluding Smooth Dogfish

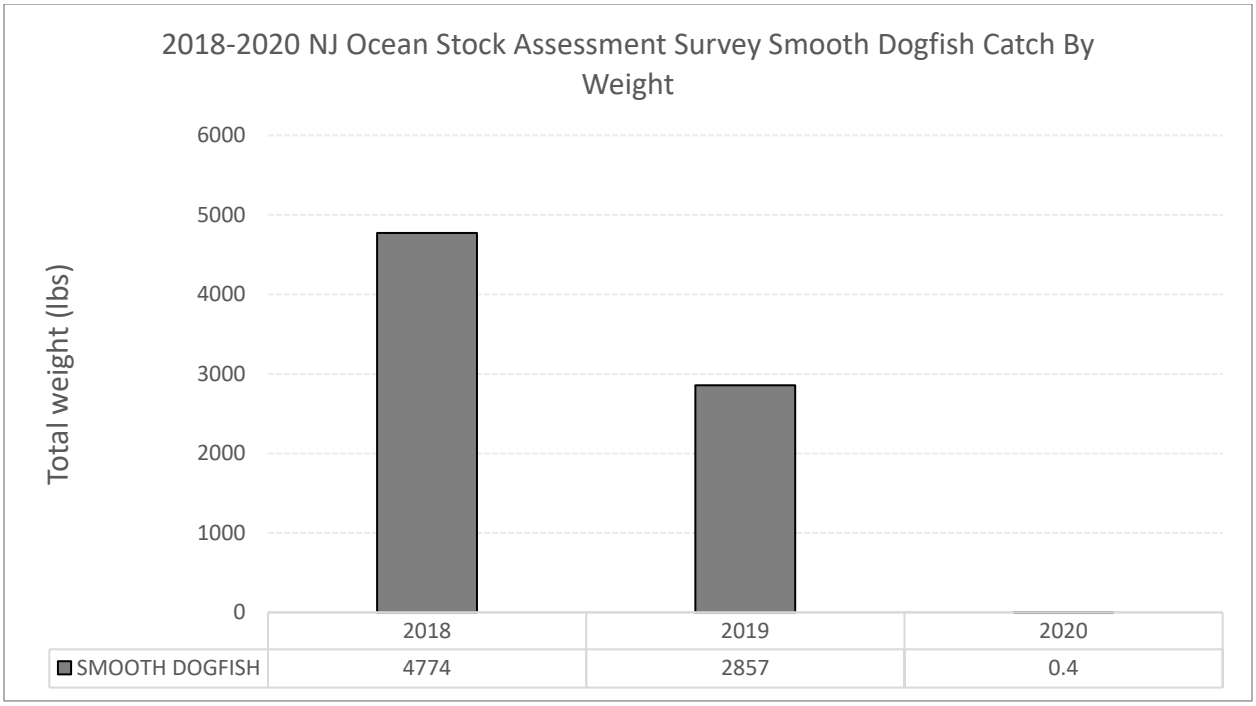


Figure 6. NJ 2018-2020 Ocean Stock Assessment Survey Atlantic, Smooth Dogfish

Delaware

Delaware conducts a 30' adult trawl survey and a 16' juvenile trawl survey in the Delaware Bay. In the adult trawl survey, smooth dogfish are the most common shark species caught (Figure 7), with sand tiger shark (Figure 8) and sandbar sharks (Figure 9) taken in low numbers. Thresher, Atlantic angel, Atlantic sharpnose (Figure 10) and dusky shark were caught in the past, but rarely. Sand tiger shark catch per nautical mile decreased in 2020 from a historical high in 2019. Sandbar shark catch per nautical mile increased in 2020 relative to 2019 and was at the seventh highest level of abundance for the time series. Smooth dogfish catch per nautical mile decreased in 2020 and is still relatively low compared to the early 2000's. In the juvenile trawl, the species caught include sand tiger shark (Figure 11), sandbar sharks (Figure 12) and smooth dogfish (Figure 13). Apart from smooth dogfish, the capture of coastal sharks in the juvenile trawl is a rare occurrence.

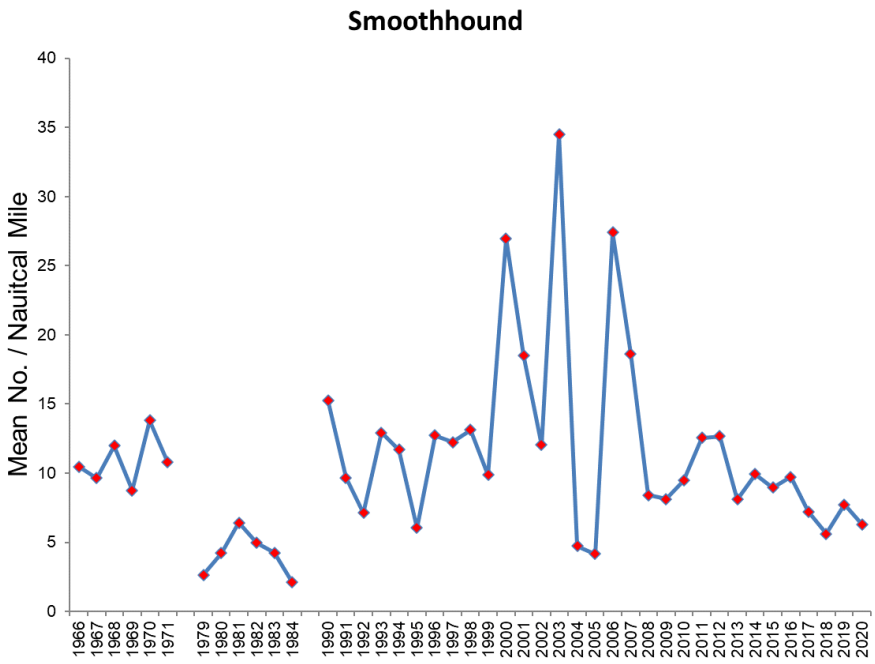


Figure 7. Smooth dogfish relative abundance (mean number per nautical mile), time series (1966 – 2020) as measured in 30-foot trawl sampling in the Delaware Bay.

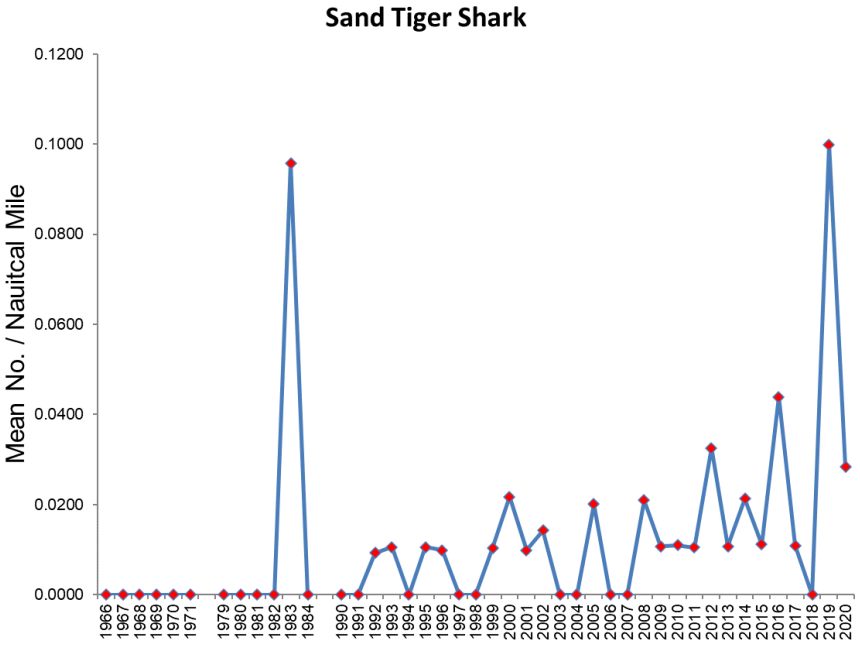


Figure 8. Sand tiger shark relative abundance (mean number per nautical mile), time series (1966 – 2020) as measured in 30-foot trawl sampling in the Delaware Bay.

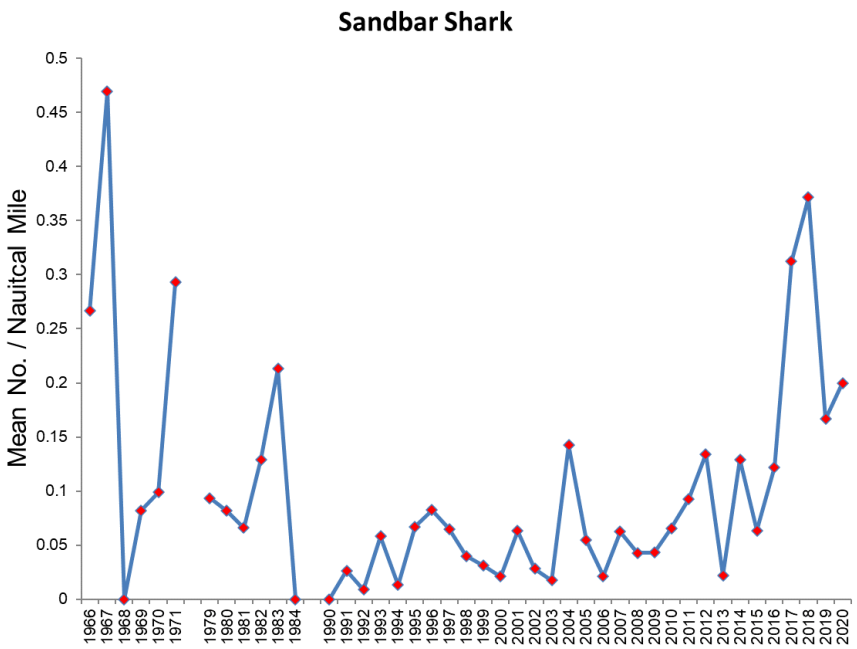


Figure 9. Sandbar shark relative abundance (mean number per nautical mile), time series (1966 – 2020) as measured in 30-foot trawl sampling in the Delaware Bay.

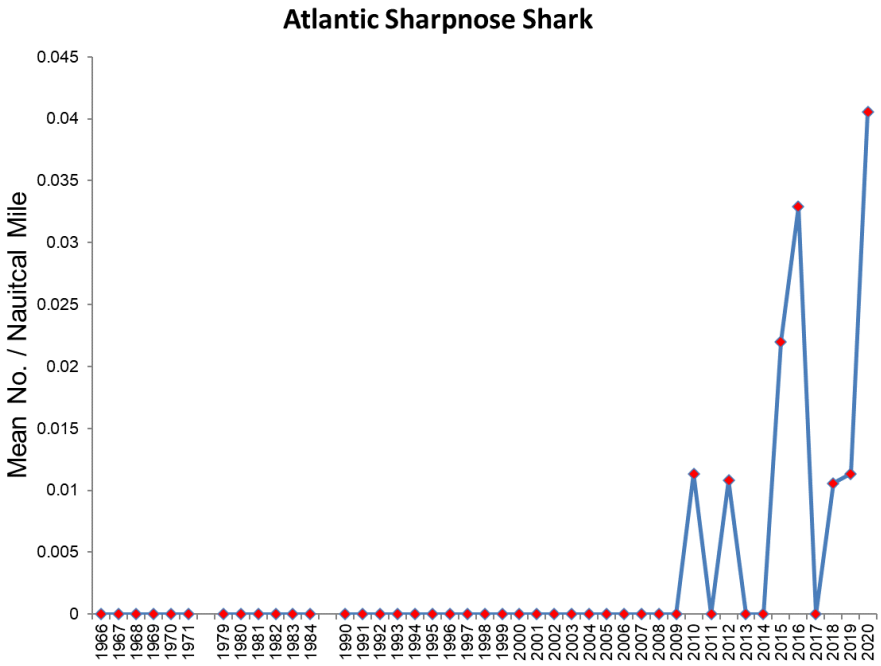


Figure 10. Atlantic sharpnose shark relative abundance (mean number per nautical mile), time series (1966 – 2020) as measured in 30-foot trawl sampling in the Delaware Bay.

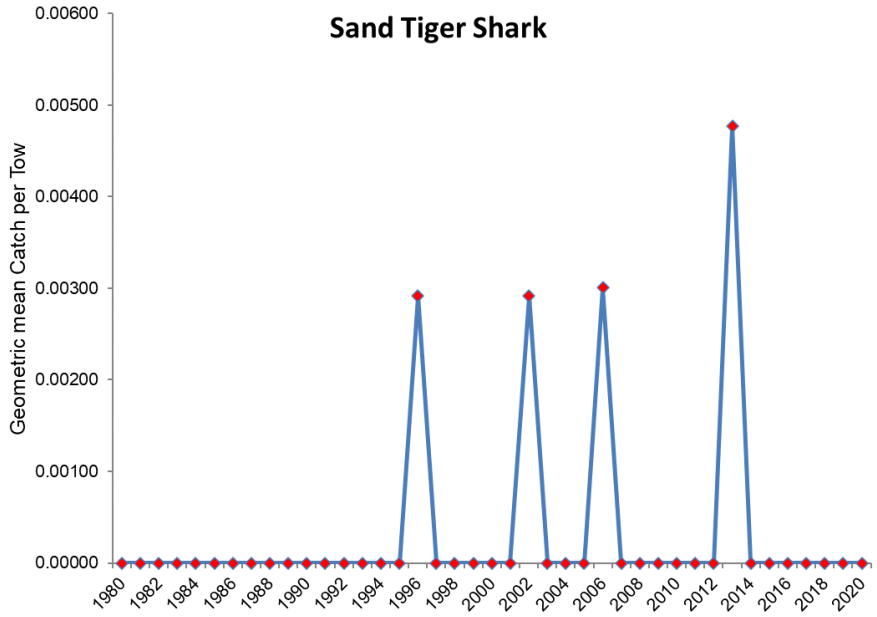


Figure 11. Index of sand tiger shark, time series (1980 – 2020) as measured by 16-foot trawl sampling in the Delaware Estuary.

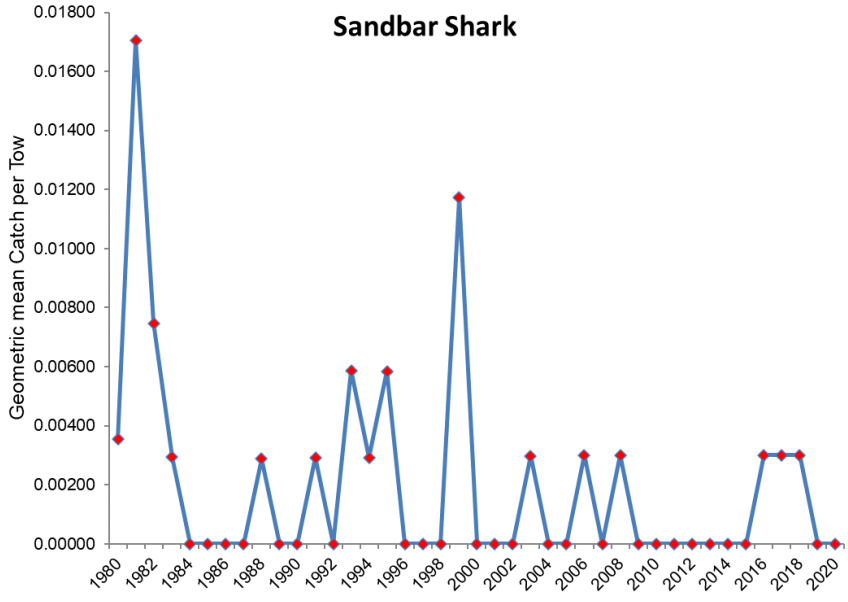


Figure 12. Index of sandbar shark, time series (1980 – 2020) as measured by 16-foot trawl sampling in the Delaware Estuary.

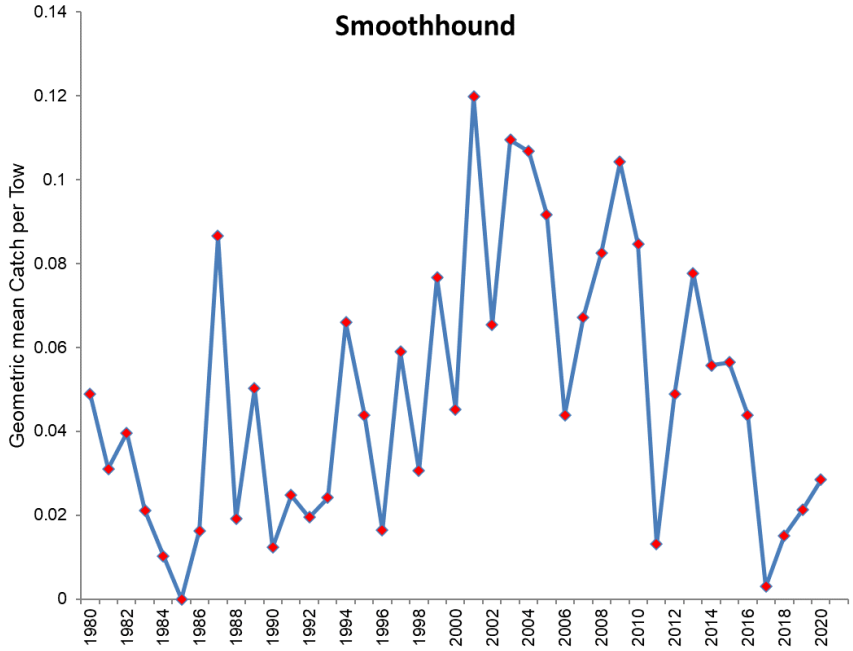


Figure 13. Index of young-of-year smooth dogfish abundance, time series (1980 – 2020) as measured by 16-foot trawl sampling in the Delaware Estuary.

Maryland

No fishery-independent monitoring for Atlantic coastal sharks was conducted in Maryland state waters.

Virginia

The Virginia Institute of Marine Science Shark Research Program began in 1973 and is one of the longest running longline surveys in the world. The program has provided data on habitat utilization, age, growth, reproduction, trophic interactions, basic demographics, and relative abundance for dominant shark species. Cruise times have been variable over the time series, but generally sampling has occurred monthly from May through October. The survey utilizes a fixed station design with nine core sampling locations, although additional auxiliary locations have been sampled frequently over the years.

Beginning in 2012, a separate longline survey conducted by the Virginia Institute of Marine Science designed specifically to target young-of-year sandbar sharks in the lower Chesapeake Bay and Eastern Shore was initiated. The new survey follows a stratified random sampling design, rather than a fixed survey design, and falls under the broader COASTSPAN umbrella survey.

In 2020, Atlantic sharpnose shark was the most commonly encountered species by the offshore survey followed by sandbar shark, blacktip shark, spinner shark, blacknose shark, sand tiger shark, tiger shark, bull shark, dusky shark, scalloped hammerhead, and silky shark (Table 1).

Seasonal patterns in survey catches were also evident with June and July showing higher overall catches of sharks when compared to August and September.

COASTSPAN catches of neonate sandbar shark (<= 71 cm total length) were highest in magnitude during August in the lower Chesapeake Bay, followed by equal catch in June and July. In the coastal lagoons of the Eastern Shore, peak neonate catch occurred in August followed by July and June (Table 12). For 2020, neonate total catch was notably higher in the coastal lagoons of the Eastern Shore when compared to that of the lower Chesapeake Bay.

Table 11. Monthly catch summaries for key shark species encountered during offshore longline cruise conducted by VASMAP, 2020 pooled across the standard six sampling sites. Effort is expressed as total longline soak time of 100 hooks

Month	Effort (hrs)	Sand Tiger	Sandbar	Tiger	Atlantic Sharpnose	Spinner	Dusky	Blacknose	Blacktip	Scalloped Hammerhead	Bull	Silky
Jun	31.1	2	16	2	27	3	0	4	23	0	0	0
Jul	28.1	0	6	2	55	0	0	1	14	0	1	0
Aug	32.2	1	4	0	19	0	0	2	12	0	0	0
Sep	29.0	3	29	0	1	5	1	0	0	1	0	1
Total		6	55	4	102	8	1	7	49	1	1	1

	Blacktip	Scalloped Hammerhead	Bull	Silky
	23	0	0	0
	14	0	1	0
	12	0	0	0
	0	1	0	1
Total	49	1	1	1

Table 12. Neonate catch summaries for each monthly COASTSPAN cruise, 2020, pooled across the sampling sites with the lower Chesapeake Bay and coastal lagoons of the Eastern Shore. Effort is expressed as total longline soak time of 50 hooks.

Lower Chesapeake Bay

Month	Effort (hrs)	Neonate
Jun	10.0	35
Jul	10.0	35
Aug	10.0	44
Total		

Lagoons, Eastern Shore

Month	Effort (hrs)	Neonate
Jun	4.5	76
Jul	7.5	93
Aug	7.5	117
Total		

North Carolina

Fishery-Dependent

Fishery-dependent sampling of North Carolina commercial fisheries has been ongoing since 1982 (conducted under Title III of the Interjurisdictional Fisheries Act and funded in part by the U.S. Department of Commerce, National Marine Fisheries Service). Predominate fisheries sampled includes the ocean gill net, estuarine gill net, ocean trawl, long haul seine/swipe net, beach seine, and pound net fisheries. Fishery-dependent sampling did not occur from April to May 2020 due to COVID-19 concerns but resumed in June 2020. Shark species were sampled

from 57 commercial trips in 2020 with February having the highest number of sampled trips (Table 13). Seventy-one sharks comprised of six species were sampled (Table 14).

Table 13. North Carolina 2020 fishery-dependent shark sampling summary by month.

Month	Total Trips Sampled
January	7
February	15
March	7
April	0
May	0
June	12
July	4
August	1
September	1
October	6
November	2
December	2
Total	57

Table 14. North Carolina 2020 fishery-dependent shark sampling summary by species for total number of individuals and total sampled weight.

Shark Species	#Total Individuals	Weight (kg)
Atlantic Sharpnose	32	51
Blacktip	10	63
Bonnethead	1	3
Hammerhead	2	138
Smoothhound	28	35
Spinner	8	168

Total	71	458

Fishery-Independent

The NCDMF has two fishery-independent surveys that collect coastal sharks: A gill net survey (Program 915) and a red drum long line survey (Program 365). Program 915 was initiated in 2001. The objective of this project is to provide annual relative abundance indices for key estuarine species in the near shore, Pamlico Sound, Pamlico, Pungo, Neuse, New, and Cape Fear rivers. The survey employs a stratified random sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by 0.5 inch increments). Program 365 was initiated in 2007 for developing an index of abundance for adult red drum. This project also allows for capture and tagging of Atlantic coastal sharks in collaboration with the NOAA Fisheries Cooperative Shark Tagging Program.

For the 2020 sampling year, the red drum long line survey and the gill net survey did not occur due to the COVID pandemic. Executive Order (EO) 116, issued on March 10, 2020, declared North Carolina under a State of Emergency and was soon followed by EO 120 which implemented a statewide Stay at Home Order for all non-essential State employees.

South Carolina

Data related to the presence and movement of sharks in South Carolina's coastal waters will continue to be collected as encountered within the context of existing fishery dependent or fishery independent programs conducted by the SCDNR. Currently, data are collected from estuarine waters by the SCDNR Cooperative Atlantic States Shark Pupping and Nursery Habitat survey (COASTSPAN) and the SCDNR trammel net survey. The COASTSPAN survey monitors the presence and abundance of young-of-year and juvenile sharks in the estuaries and bays of South Carolina. The survey operates from April-September using gillnets, longlines and drumlines to sample index stations. Species captured are measured, sexed, tagged and released, and physical and water quality parameters are recorded (Table 15).

The SCDNR trammel net survey is designed to sample recreationally important species in shallow estuarine waters. Sharks are not a target species, but their abundance as well as length and sex data are recorded (Table 15). Stations selected based on suitable habitats are randomly sampled using a multi-panel net to encircle a section of marsh. Species captured are measured, sexed if possible, and released. In addition, physical and water quality data are recorded for each sample location.

The presence and abundance of juvenile and adult coastal sharks in the bays, sounds and coastal waters of South Carolina are documented by the Coastal Longline Survey. This survey uses a stratified-random approach to sample for adult red drum and coastal sharks. The survey operates annually from August to December using longlines to sample suitable habitat for targeted species. Species captured are measured, sexed, tagged, and released, and physical and

water quality parameters are recorded. Species encountered and tagged for all surveys are reported in Table 15. The data gathered from these programs are shared with the NMFS Apex Predators Program and are utilized in stock assessments and management decisions in South Carolina.

Table 15. Number of sharks captured and tagged by South Carolina Department of Natural Resources' Cooperative Atlantic States Shark Pupping and Nursery Habitat Survey (COASTSPAN), Trammel Net Survey, and Coastal Longline survey in 2020.

	COASTSPAN		Trammel Net		Coastal Longline Survey	
Shark Species	Captured	Tagged	Captured	Tagged	Captured	Tagged
Atlantic Sharpnose	65	0	6	0	1007	0
Blacknose	0	0	0	0	130	125
Blacktip	249	93	11	0	54	42
Bonnethead	189	126	97	0	65	65
Bull	7	6	0	0	3	3
Dusky	0	0	0	0	0	0
Finetooth	351	47	18	0	78	72
Great Hammerhead	0	0	0	0	2	1
Lemon	13	9	7	0	5	1
Nurse	0	0	0	0	1	1
Sandbar	215	196	4	0	195	166
Sand Tiger	0	0	0	0	0	0
Scalloped/Carolina Hammerhead	201	17	0	0	6	3
Smooth Dogfish	0	0	0	0	0	0
Spinner	0	0	0	0	33	28
Tiger	0	0	0	0	1	0

Georgia

Fishery-Dependent

Although a directed fishery for sharks does not exist in Georgia waters, there is a fishery-dependent sampling project conducted by the Coastal Resources Division (CRD) that can result in the incidental capture of coastal sharks. The Marine Sportfish Carcass Recovery Project, a partnership with recreational anglers along the Georgia coast, is used to collect biological data from finfish such as Red Drum, Spotted Seatrout, Southern Flounder, Sheepshead, and Southern Kingfish. Participating anglers deposit fish carcasses in chest freezers located at public access points along the Georgia coast. In 2020, a total of 5,037 fish carcasses were donated through this program. No coastal shark species were included.

Fishery-Independent

Georgia has several fishery-independent surveys that sample in areas where coastal shark species are encountered and one survey specifically designed to sample sub-adult sharks in Georgia's inshore waters.

Coastal Longline Survey (SEAMAP)

The Coastal Longline Survey is designed to sample adult Red Drum and coastal sharks. Sampling occurs in inshore and nearshore waters of southeast Georgia from mid-June through mid-December. Sampling gear consists of a bottom set 926 m, 600 lb. test monofilament mainline configured with 60, 0.5 m gangions made of 200 lb. test monofilament. Each gangion consists of a longline snap and a 15/0 circle hook. Thirty hooks were baited with squid, and thirty were baited with mullet. Soak time for each set is 30 minutes. During 2020, CRD staff deployed 54 sets consisting of 3,236 hooks and 27 hours of soak time. A total of 253 sharks were captured, representing ten species (Table 16).

Shark Nursery Survey (COASTSPAN)

The University of North Florida assumed field operations for this survey in 2016. Data for the complete time series are maintained by the NMFS Apex Predators Program in Narragansett, RI (contact: Cami McCandless).

Ecological Monitoring Trawl Survey (EMTS)

The EMTS is designed to sample penaeid shrimp, blue crab, and other marine organisms typically encountered in the trawl for management and monitoring purposes. Each month, a 40 ft flat otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 36 stations across six estuaries. At each station, a standard 15-minute tow is made. During this report period, 336 tows/observations were conducted, totaling 84.29 hours of tow time. A total of 85 sharks, representing 5 species, were captured during 2020 (Table 16).

Marine Sportfish Population Health Survey (MSPHS)

The MSPFIS is a multi-faceted ongoing survey used to collect information on the biology and population dynamics of recreationally important finfish. The Altamaha River System and the Wassaw Estuary has been sampled since 2003 using entanglement gear. The St. Andrew Estuary was added in 2019.

During the June to August period, young-of-the-year Red Drum in the Altamaha River System and Wassaw and St. Andrew estuaries are collected using gillnets to gather data on relative abundance and location of occurrence. During the September to November period, fish populations in the Altamaha River System and Wassaw Estuary are monitored using monofilament trammel nets to gather data on relative abundance and size composition. In 2020, a total of 320 gillnet and 225 trammel net sets were made, resulting in the capture of 415 individuals representing 6 species of coastal sharks (Table 16).

Table 16. Numbers of coastal sharks captured in Georgia fishery-independent surveys in 2020 by species and by survey.

	SEAMAP	EMTS	MSPHS
SHARK, ATLANTIC SHARPNOSE	131	29	122
SHARK, BLACKNOSE	55	---	---
SHARK, BLACKTIP	22	2	16
SHARK, BONNETHEAD	23	49	245
SHARK, BULL	---	---	---
SHARK, FINETOOTH	6	---	5
SHARK, LEMON	---	---	4
SHARK, SANDBAR	11	2	---
SHARK, SCALLOPED HAMMERHEAD	2	3	---
SHARK, SPINNER	2	---	23
SHARK, TIGER	1	---	---
ALL SPECIES COMBINED	253	85	415

Florida

Florida Fish and Wildlife Conservation Commission had no fisheries-independent monitoring programs for coastal sharks during the 2020 calendar year.

V. Status of Management Measures and Issues

Fishery Management Plan

Coastal Sharks are managed under the Interstate FMP for Coastal Sharks, which was adopted in August 2008 and effective in January 1, 2009, Addendum I (2009), Addendum II (2013), Addendum III (2013), Addendum IV (2016), and Addendum V (2018). The FMP addresses the management of 41 species and establishes a suite of management measures for recreational and commercial shark fisheries in state waters (0 – 3 miles from shore). Addendum V provided the Board the ability to respond to changes in the stock status of coastal shark populations and adjust regulations through Board action rather than an addendum, ensuring greater consistency between state and federal shark regulations.

In April 2019, the Board approved changes to the recreational size limit for Atlantic shortfin mako sharks in state waters, specifically, a 71-inch straight line fork length (FL) for males and an 83-inch straight line FL for females. These measures are consistent with those required for federal highly migratory species (HMS) permit holders under HMS Amendment 11, which was implemented in response to the 2017 Atlantic shortfin mako stock assessment that found the resource is overfished and experiencing overfishing.

In October 2019, the Board approved changes to the gear requirements for recreational shark fishing. For recreational shark fishing in state waters, anglers are required to use non-offset, corrodible, non-stainless steel circle hooks, except when fishing with flies or artificial lures. This measure has been in effect since July 1, 2020 and are intended to promote consistency with those approved through HMS Amendment 11.

ASMFC will continue to respond to changes in the Atlantic Highly Migratory Species FMP and make changes as necessary to the interstate FMP.

VI. Implementation of FMP Compliance Requirements for 2020

Addendum III to the Coastal Sharks FMP was implemented in March 2014, which modified the recreational minimum size limits and the commercial species groupings in the FMP. In 2019, the Board also adjusted the recreational minimum size for shortfin mako and approved the requirement for non-offset, corrodible, non-stainless steel circle hooks, except when fishing with flies or artificial lures. All states must demonstrate through the inclusion of regulatory language that the following management measures were implemented.

i. Recreational Minimum Size Limits

This modifies Section 4.2.4 Recreational Minimum Size Limits in the FMP.

Sharks caught in the recreational fishery must have a minimum fork length of 4.5 feet (54 inches) with the exception of smooth hammerhead, scalloped hammerhead, great hammerhead, shortfin mako, smoothhound, Atlantic sharpnose, blacknose, finetooth, and bonnethead sharks.

Smooth hammerhead, scalloped hammerhead and great hammerhead sharks must have a minimum fork length of 6.5 feet (78 inches). Male Shortfin mako sharks must have a minimum fork length of 71 inches and females must have a minimum fork length of 83 inches.

Smoothhound, Atlantic sharpnose, blacknose, finetooth and bonnethead sharks do not have recreational minimum size limits.

Table 17 Recreational minimum size limits, 2020.

No Minimum Size	Minimum Fork Length 54 inches		Minimum Fork Length 71/83 inches	Minimum Fork Length 78 inches
Smoothhound	Tiger	Nurse	Shortfin mako (male/female)	Great hammerhead
Atlantic sharpnose	Blacktip	Porbeagle		Scalloped hammerhead
Finetooth	Spinner	Thresher		Smooth hammerhead
Blacknose	Bull	Oceanic whitetip		
Bonnethead	Lemon	Blue		

ii. Commercial Species Groupings

This modifies Section 4.3.3 Commercial Species Groupings (and the appropriate sub-sections, outlined below). Two new species groups ('Blacknose' and 'Hammerhead') are created.

This FMP establishes eight commercial 'species groups' for management (Table 1): Prohibited, Research, Smoothhound, Non-Blacknose Small Coastal, Blacknose, Aggregated Large Coastal, Hammerhead, and Pelagic. These groupings apply to all commercial shark fisheries in state waters.

VII. PRT Recommendations

State Compliance

- New Jersey's rulemaking process has delayed implementation of the non-offset stainless steel circle hooks until January 2023. The PRT expressed some concern regarding the delay and the potential biological impacts the delayed regulation may have due to increased post-release mortality of sharks. Even after a rule is implemented, education and outreach efforts are needed to increase compliance, which further lengthens the timeline of full implementation.
- Georgia's compliance report doesn't provide any regulations regarding the variable possession limits for the aggregated large coastal and hammerhead management groups. However, Georgia limits commercial fishermen to the same daily creel and size limits that the recreational sector is subject to, and no commercial landings occurred in 2020.
- Georgia's recreational regulations allows for the landing of 1 hammerhead, 1 shortfin mako, and 1 "other" shark, which is in excess of what is allowed under the FMP (1 shark

per person/vessel plus one Atlantic sharpnose and one bonnethead). This issue has been raised with Georgia Department of Natural Resources staff and Commission staff is awaiting a response.
- With the three exceptions noted above, the PRT determined that all states have implemented regulations consistent with the FMP requirements.

General Comments

- It has come to the attention of the PRT that some states have been requiring individuals and organizations request for federal approval for the scientific capture of sharks in state waters. While it is an FMP requirement that the scientific capture of sharks be monitored and permitted by each state, it is not a requirement that federal approval be given if the capture occurs within state waters.

De Minimis Status

This FMP does not establish specific *de minimis* guidelines that would exempt a state from regulatory requirements contained in this plan. *De minimis* shall be determined on a case-by case basis. *De minimis* often exempts states from monitoring requirements in other fisheries but this plan does not contain any monitoring requirements.

De minimis guidelines are established in other fisheries when implementation and enforcement of a regulation is deemed unnecessary for attainment of the fishery management plan's objectives and conservation of the resource. Due to the unique characteristics of the coastal shark fishery, namely the large size of sharks compared to relatively small quotas, the taking of a single shark could contribute to overfishing of a shark species or group. Therefore, exempting a state from any of the regulatory requirements contained in this plan could threaten attainment of this plans' goals and objectives.

Massachusetts is the only state that has been granted *de minimis* status. Massachusetts can continue to have *de minimis* status until their landings patterns change or they request a discontinuation.

In some cases, it is unnecessary for states with *de minimis* status to implement all regulatory requirements in the FMP.

A. Massachusetts has implemented all regulations with two exceptions: it is exempt from the possession limit and closures of the aggregated large coastal and hammerhead shark fisheries.

VIII. Research Recommendations

Research recommendations were identified in 2018 in the Commission's Fisheries Research Priorities document (p. 42).

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APPENDIX 1. OVERVIEW OF COASTAL SHARK REGULATIONS

Coastal Sharks FMP Regulatory Requirements

1. Recreational seasonal closure (Section 4.2.1)

    a. Recreational anglers are prohibited from possessing silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead in the state waters of Virginia, Maryland, Delaware and New Jersey from May 15 through July 15—regardless of where the shark was caught.

    b. Recreational fishermen who catch any of these species in federal waters may not transport them through the state waters of VA, MD, DE, and NJ during the seasonal closure.

2. Recreationally permitted species (Section 4.2.2)

    a. Recreational anglers are allowed to possess aggregated large coastal sharks, hammerheads, tiger sharks, SCS, and pelagic sharks. Authorized shark species include: aggregated LCS (blacktip, bull, spinner, lemon, and nurse); hammerhead (great hammerhead, smooth hammerhead, scalloped hammerhead); tiger sharks; SCS (blacknose, finetooth, Atlantic sharpnose, and bonnethead sharks); and, pelagic sharks (blue, shortfin mako, common thresher, oceanic whitetip, and porbeagle). Sandbar sharks and silky sharks (and all prohibited species of sharks) are not authorized for harvest by recreational anglers.

3. Landings Requirements (Section 4.2.3)

    a. All sharks (with exception) caught by recreational fishermen must have heads, tails, and fins attached naturally to the carcass. Anglers may still gut and bleed the carcass by making an incision at the base of the caudal peduncle as long as the tail is not removed. Filleting sharks at sea is prohibited.

    b. All sharks (with exception) harvested by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass through landing. Fins may be cut as long as they remain attached to the carcass (by natural means) with at least a small portion of uncut skin. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.

    c. Exception: Fishermen holding a valid state commercial permit may process smooth dogfish sharks at sea out to 50 miles from shore, as long as the total weight of smooth dogfish shark fins landed or found on board a vessel does not exceed 12 percent of the total weight of smooth dogfish shark carcasses landed or found on board.

4. Recreational Minimum Size Limits (Section 4.2.4)

    a. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet (54 inches) with the exception of Atlantic sharpnose, blacknose, finetooth,

bonnethead and smoothhound which have no minimum size. Hammerhead species must have a fork length (FL) of 6.5 feet (78 inches).

b. Recreational size limit for Atlantic shortfin mako sharks in state waters is 71-inch straight line FL for males and 83-inch straight light FL for females.

5. Authorized Recreational Gear (Section 4.2.5)

    a. Recreational anglers may catch sharks only using a handline or rod & reel. Handlines are defined as a mainline to which no more than two gangions or hooks are attached. A handline must be retrieved by hand, not by mechanical means.

    b. Non-offset, corrodible, non-stainless steel circle hooks are required when fishing for sharks recreationally, in state waters. The only exception is when fishing with flies or artificial lures

6. Possession limits in one twenty-four hour period (Section 4.2.7 and 4.3.6)

    a. Recreational and commercial possession limits as specified in Table 9.
    b. Smooth dogfish harvest is not limited in state waters and recreational shore-anglers may harvest an unlimited amount of smooth dogfish.

7. Commercial Seasonal Closure (Section 4.3.2)

    a. All commercial fishermen are prohibited from possessing silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead in the state waters of Virginia, Maryland, Delaware and New Jersey from May 15 through July 15. Fishermen who catch any of the above species in a legal manner in federal waters may transit through the state waters listed above if all gear is stowed.

8. Quota Specification (Section 4.3.4)

    a. When NOAA Fisheries closes the fishery for any species, the commercial landing, harvest, and possession of that species will be prohibited in state waters until NOAA Fisheries reopens the fishery.

9. Permit requirements (Section 4.3.8)

    a. State: Commercial shark fishermen must hold a state commercial license or permit in order to commercially catch and sell sharks in state waters.
    b. Federal: A federal Commercial Shark Dealer Permit is required to buy and sell any shark caught in state waters.
    c. Display and research permit is required to be exempt from seasonal closure, quota, possession limit, size limit, gear, and prohibited species restrictions. States are required to include annual information for all sharks taken for display throughout the life of the shark.

10. Authorized commercial gear (Section 4.3.8.3)

a. Commercial fishermen can only use one of the following gear types (and are prohibited from using any gear type not listed below) to catch sharks in state waters.

   i. **Rod & reel.**
   ii. **Handlines.** Handlines are defined as a mainline to which no more than two gangions or hooks are attached. A handline is retrieved by hand, not by mechanical means, and must be attached to, or in contact with, a vessel.
   iii. **Small Mesh Gillnets.** Defined as having a stretch mesh size smaller than 5 inches.
   iv. **Large Mesh Gillnets.** Defined as having a stretch mesh size equal to or greater than 5 inches.
   v. **Trawl nets.**
   vi. **Shortlines.** Shortlines are defined as fishing lines containing 50 or fewer hooks and measuring less than 500 yards in length. A maximum of 2 shortlines are allowed per vessel.
   vii. **Pounds nets/fish traps.**
   viii. **Weirs.**

11. Bycatch Reduction Measures (Section 4.3.10)

    a. Any vessel using a shortline must use corrodible circle hooks. All shortline vessels must practice the protocols and possess the recently updated federally required release equipment for pelagic and bottom longlines for the safe handling, release, and disentanglement of sea turtles and other non-target species, all captains and vessel owners must be certified in using handling and release equipment.

12. Smooth Dogfish
    a. Each state must identify their percentage of the overall quota (Addendum II, 3.1)
    b. Smooth dogfish must make up at least 25%, by weight, of total catch on board at time of landing. Trips that do not meet the 25% catch composition requirement can land smooth dogfish, but fins must remain naturally attached to the carcass (Addendum IV, 3.0; modifies Addendum II Section 3.5).

Table 18. Possession/retention limits for shark species in state waters

Recreational	*Shore-angler*	1 shark (of any species except prohibited) per person per day; plus one Atlantic sharpnose, and one bonnethead. No limit on smoothhound
	Vessel-fishing	1 shark (of any species except prohibited) per vessel per trip; plus one Atlantic sharpnose, and one bonnethead per person per vessel. No limit on smoothhound

Commercial	*Directed permit*	Variable possession limit for aggregated large coastal sharks and hammerhead shark management groups. The Commission will follow NMFS for in-season changes to the possession limit. The possession limit range is 0-55, the default is 45 sharks per trip. No limit for SCS or pelagic sharks.
	Incidental permit	3 aggregated LCS per vessel per trip and 16 pelagic or SCS (combined) per vessel per trip