

# Atlantic States Marine Fisheries Commission

## Spiny Dogfish and Coastal Shark Management Board

October 31, 2013  
8:00 a.m. – 10:00 a.m.  
*St. Simons Island, Georgia*

### 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 (*A. Nowalsky*) 8:00 a.m.
2. Board Consent 8:00 a.m.
  - Approval of Agenda
  - Approval of Proceedings from August 2013
3. Public comment 8:05 a.m.
4. Set 2014/2015 Spiny Dogfish Specifications **Final Action** 8:10 a.m.
  - Spawning Stock Biomass and Reference Point Update (*P. Rago*)
  - Discuss cumulative use of trip limits (*T. Kerns*)
5. Consider Spiny Dogfish FMP Review and State Compliance 8:45 a.m.  
(*M. Hawk*) **Action**
6. Set 2014 Coastal Sharks Specifications (*C. Belcher*) **Action** 9:00 a.m.
7. Sharks Draft Addendum III for Final Approval **Final Action** 9:15 a.m.
  - Review Options and Public Comment Summary (*M. Hawk*)
  - Technical Committee Report (*C. Belcher*)
  - Advisory Panel Report (*L. Gillingham*)
  - Consider final approval of Addendum III
8. Other business/Adjourn 10:00 a.m.

The meeting will be held at The King and Prince Beach & Golf Resort, 201 Arnold Street, St. Simons Island, GA;  
800.342-0212

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015*

# MEETING OVERVIEW

**Spiny Dogfish and Coastal Sharks Management Board Meeting**  
**Thursday, August 8, 2013**  
**8:00 a.m – 10:00 a.m.**  
**St. Simon’s Island, GA**

|   |  |   |
|---|--|---|
| Chair: Mark Gibson (RI)<br>Assumed Chairmanship: 10/12  | Vice Chair: Adam Nowalsky (NJ)                               | Law Enforcement Committee<br>Representative: Frampton |
| Spiny Dogfish Technical Committee<br>Chair: Vacant  | Spiny Dogfish Advisory<br>Panel Chair: Vacant                | Previous Board Meeting:<br>August 8, 2013             |
| Coastal Shark Technical Committee<br>Chair: Carolyn Belcher (GA)                                  | Coastal Shark Advisory<br>Panel Chair: Lewis Gillingham (VA) |   |
| Voting Members: ME, NH, MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS,<br>USFWS (16 votes) |  |   |

## 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from August 8, 2013

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.

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| <b>4. Set 2014/2015 Spiny Dogfish Specifications (8:10 - 8:45 a.m.) Final Action</b>   |
| <b>Background</b>  |
| <ul style="list-style-type: none"> <li>• Spiny Dogfish and Coastal Sharks Board set specifications for 2013-2015</li> <li>• MAFMC approved an increased quota for 2014-2015 on October 8, 2013 (<b>Briefing CD</b>)</li> </ul> |
| <b>Presentations</b>   |
| <ul style="list-style-type: none"> <li>• Spiny dogfish stock status update report by P. Rago</li> </ul>  |
| <b>Board actions for consideration at this meeting</b>   |
| <ul style="list-style-type: none"> <li>• Approve 2014-2015 spiny dogfish specifications</li> </ul>   |

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| <b>5. Consider Spiny Dogfish FMP Review and State Compliance (8:45 a.m. – 9:00 a.m.) Action</b>  |
| <b>Background</b>  |
| <ul style="list-style-type: none"> <li>• Compliance reports for spiny dogfish were due July 1, 2013</li> <li>• PRT reviewed the reports and compiled the FMP review</li> </ul> |
| <b>Presentations</b>   |
| <ul style="list-style-type: none"> <li>• FMP Review and state compliance by M. Hawk (<b>Briefing CD</b>)</li> </ul>  |
| <b>Board actions for consideration at this meeting</b>   |
| <ul style="list-style-type: none"> <li>• Approve FMP Review and state compliance</li> </ul>  |

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|---|
| <b>6. Set 2014 Coastal Sharks Specifications (9:00 a.m. – 9:15 a.m.) Action</b>   |
| <b>Background</b>   |
| <ul style="list-style-type: none"> <li>• NOAA Fisheries released a proposed rule for the 2014 commercial shark fishing season (<b>Briefing CD</b>)</li> </ul> |
| <b>Presentations</b>  |
| <ul style="list-style-type: none"> <li>• 2014 Coastal Sharks Specifications by C. Belcher (<b>Briefing CD</b>)</li> </ul>                                     |
| <b>Board actions for consideration at this meeting</b>  |
| <ul style="list-style-type: none"> <li>• Approve 2014 coastal shark specifications</li> </ul>   |

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| <b>7. Coastal Sharks Draft Addendum III for Final Approval (9:15 a.m. – 10:00 a.m.) Final Action</b>   |
| <b>Background</b>  |
| <ul style="list-style-type: none"> <li>• Draft Addendum III addresses inconsistencies between NOAA Fisheries' Amendment 5a and the Coastal Sharks FMP (<b>Briefing CD</b>)</li> <li>• Draft Addendum III proposes to change species groups and the recreational size limit for hammerheads to complement NOAA Fisheries</li> </ul> |
| <b>Presentations</b>   |
| <ul style="list-style-type: none"> <li>• Overview of options by M. Hawk</li> <li>• Public comment summary by M. Hawk</li> <li>• Technical committee report by C. Belcher</li> <li>• Advisory panel report by L. Gillingham</li> </ul>  |
| <b>Board actions for consideration at this meeting</b>   |
| <ul style="list-style-type: none"> <li>• Approve Draft Addendum III</li> </ul>   |

## 8. Other Business/Adjourn

**DRAFT PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD**

**Crowne Plaza Hotel - Old Town**  
Alexandria, Virginia  
**August 8, 2013**

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

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## INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of May 2013 by consent** (Page 1).
3. **Move to approve *de minimis* status for Maine** (Page 2). Motion made by Bill Adler; second by Bill McElroy. Motion carried (Page 3).
4. **Move that the implementation plans as presented today are approved** (Page 3). Motion made by Pat Augustine; second by Bill Adler. Motion carried (Page 3).
5. **Move to approve Draft Addendum III to the Coastal Shark FMP for public comment** (Page 4). Motion made by Pat Augustine; second by Bill Adler. Motion carried unanimously (Page 4).
6. **Motion to adjourn by consent** (Page 11).

## ATTENDANCE

### Board Members

|  |  |
|--|--|
| Terry Stockwell, ME, proxy for P. Keliher (AA)     | John Clark, DE, proxy for D. Saveikis (AA)         |
| Steve Train, ME (GA)                               | Roy Miller, DE (GA)                                |
| Doug Grout, NH (AA)                                | Bernie Pankowski, DE, proxy for Sen. Venables (LA) |
| Rep. Sarah Peake, MA (LA)                          | Tom O'Connell, MD (AA)                             |
| Dan McKiernan, MA, proxy for P. Diodati (AA)       | Bill Goldsborough, MD (GA)                         |
| Bill Adler, MA (GA)                                | Russell Dize, MD, proxy for Sen. Colburn (LA)      |
| Mark Gibson, RI, proxy for R. Ballou (AA)          | Rob O'Reilly, VA, proxy for J. Travelstead (AA)    |
| Rick Bellavance, RI, proxy for Sen. Sosnowski (LA) | Cathy Davenport, VA (GA)                           |
| Bill McElroy, RI (GA)                              | Louis Daniel, NC (AA)                              |
| David Simpson, CT (AA)                             | Bill Cole, NC (GA)                                 |
| Rep. Craig Miner, CT (LA)                          | Robert Boyles, Jr., SC (AA)                        |
| James Gilmore, NY (AA)                             | Malcolm Rhodes, SC (GA)                            |
| Pat Augustine, NY (GA)                             | Patrick Geer, GA, proxy for Rep Burns (LA)         |
| Anthony Rios, NY, proxy for Sen. Boyle (LA)        | Jim Estes, FL, proxy for J. McCawley (AA)          |
| Peter Himchak, NJ, proxy for D. Chanda (AA)        | Kelly Denit, NMFS                                  |
| Adam Nowalsky, NJ, proxy for Asm. Albano (LA)      | Wilson Laney, USFWS                                |

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

### Ex-Officio Members

#### Staff

Robert Beal  
Toni Kerns

Marin Hawk

#### Guests

Peter Cooper, NMFS  
Sonja Fordham, Shark Advocates Int'l

Rebecca Regnery, Humane Society Int'l

The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, August 8, 2013, and was called to order at 12:45 o'clock p.m. by Chairman Mark Gibson.

### **CALL TO ORDER**

CHAIRMAN MARK GIBSON: Good afternoon, everybody. My name is Mark Gibson; I'm the current Chair of the Spiny Dogfish and Coastal Shark Management Board. I have the unenviable task of chairing the first board after our parliamentary workshop today and making the first official blunders. The first item on the agenda is the agenda. I don't have any adjustments or changes to be made.

### **APPROVAL OF AGENDA**

Is there anyone wishing to adjust the agenda? Seeing none; is there any opposition to approving the agenda as written? Seeing none; the agenda is approved.

### **APPROVAL OF PROCEEDINGS**

The next item is the proceedings from our May 2013 session. Is anyone wishing to make any edits or changes to the proceedings? Seeing none; is there any opposition to approving those proceedings as written? Seeing none; those stand approved.

### **PUBLIC COMMENT**

The next item is public comment. This would be an opportunity to comment on items not on the agenda. I'm anticipating a couple of motions later for implementation plans in Addendum III. I may allow some limited public comment as those motions are on the floor, but this would be for issues not on the agenda. No one signed in. I don't see anybody asking to speak, so we'll move

on to review of state proposal for Addendum II. This is an action item. Marin.

### **REVIEW OF STATE PROPOSAL FOR ADDENDUM II**

MS. MARIN HAWK: As he said, these are the state implementation plans for Addendum II to Coast Sharks. Just a little bit of overview and background; this addendum was approved in May 2013 and it is going to be implemented by January 1, 2014. The fin-to-carcass aspect of this addendum could be implemented any time after May 21, 2013.

States submitted their plans by July 15th, and the PRT reviewed these plans. The two elements of compliance are the ability to implement and monitor a quota with the authority to close the fishery if necessary; and also the maximum fin-to-carcass ratio. States can be more conservative than that ratio, but they cannot be less conservative.

The first issue is the quota monitoring. All states with a state share, except New Jersey and Connecticut, have or will have the ability to monitor and close the smoothhound fishery by January 1, 2014. Both New Jersey and Connecticut are going to wait until the coast-wide quota is implemented. Both of these states have the ability to respond quickly once that quota is implemented.

All states are waiting until the coast-wide quota is known to put in place the possession limit. One of the issues that the PRT also discussed is the three states that do not have an allocation; that would be Georgia, Florida and New Hampshire. The PRT decided or recommends that requiring those states to prohibit landings would be an unnecessary burden.

They recommend that any state that doesn't have any state shares, should they harvest smoothhound sharks, they just request a quota transfer from a different state. In terms of the fin- to-carcass ratio, Maine,



New Hampshire, Massachusetts and New York will all be having fins naturally attached.

Rhode Island and New Jersey will be implementing or have already implemented the 12 to 88 fin-to-carcass ratio. Connecticut is keeping their 5 to 95 ratios, with the dorsal fin naturally attached. South Carolina, Georgia and Florida are also all requiring that fins are naturally attached. Virginia and North Carolina will be implementing the 12 to 88 fin-to-carcass ratio.

Delaware and Maryland will have an 8 to 92 fin-to-carcass ratio for the dorsal and pectoral fin set, and a 4 to 96 for the caudal fin set. In addition, Maine requested de minimis from Addendum II. I just wanted to remind everyone that they were allocated 0.02 percent of the coast-wide quota, and smoothhound sharks are rarely encountered in Maine waters.

The PRT and the TC reviewed this request and recommends granting de minimis to Maine with the provision that should Maine exceed its allocation in any year, the state will put a mechanism in place to close the fishery. Overall, the general recommendations from the PRT are that they approve implementation plans for all states and confirm compliance when the quota is implemented; and also to approve Maine's de minimis request with the recommended provision.

CHAIRMAN GIBSON: Are there any questions for Marin?

MR. WILLIAM A. ADLER: Is it appropriate to make a motion to have Maine be de minimis?

CHAIRMAN GIBSON: I was going to – I'm just asking for questions on her report. If there aren't any, then I would expect a motion on the de minimis and then a second motion on the implementation plan. Peter, did you have a question or comment?

MR. PETER HIMCHAK: I just had a follow up to comment on the New Jersey smooth dogfish fishery. We rushed to get the first dorsal off and then the new 12 to 88 percent ratio in place by July 1st, and we were successful. We were not allowed to put in a quota that was a percentage of an unknown number.

But, what I didn't send you in the implementation plan is that considering that under existing regulations, smooth dogfish and sharks are treated equally, and we have the authority to shut down the fishery once the quota has approached or is projected to be reached. I sent you the legal notice that we made the changes; but the existing regulations do give us that authority. But again, there is no quota yet, so it is a moot point, I guess.

MR. ROB O'REILLY: My question was related to the 12 percent to 88 percent for the fin to carcass, and where does that stand in the federal system? Last meeting there was some indication that that still had some time to go through before it would be a final rule. Do I have that correct?

MS. HAWK: Yes, you do have that correct. Karyl and Margo couldn't make it to this meeting, but there hasn't been any progress since then; isn't that correct, Kelly?

MS. KELLY SHOPP: Yes, that is correct. I think we're hoping to get the proposed rule out this fall.

CHAIRMAN GIBSON: Anyone else on Marin's report? Otherwise, I would entertain a motion on Maine de minimis.

**MR. ADLER: I'll make a motion to have Maine declared de minimis.**

CHAIRMAN GIBSON: Is there a second to that? Seconded by Bill McElroy. Is there anybody wishing to speak to this motion? Seeing none; Terry go ahead.

MR. STOCKWELL: That was my full comment, Mr. Chair. Thank you.

CHAIRMAN GIBSON: Anyone else? Seeing none; is there any opposition to the motion for Maine de minimis? **Seeing none; that motion stands approved.** On the matter of the implementation plans.

MR. PATRICK H. AUGUSTINE: **I move that the implementation plans as presented be approved by the board.**

CHAIRMAN GIBSON: We have a motion from Pat Augustine to improve the implementation plan as submitted. Is there a second to that? Seconded by Mr. Adler. Anyone wishing to speak to the motion to approve the implementation plans as submitted. Seeing none; is there any opposition to the motion to approve the implementation plan? **Seeing none; those stand approved.** Thank you for that, we're right on track. Draft Addendum III.

### **DRAFT ADDENDUM III FOR PUBLIC COMMENT**

MS. HAWK: This is Draft Addendum III to the Coastal Sharks FMP. Just as a reminder, this is the draft for public comment; so after today if it is approved, it will go out for public comment. The Highly Migratory Species Amendment 5A addressed recent stock assessment findings for scalloped hammerhead, blacknose and sandbar sharks.

They established new species groupings for hammerhead and blacknose sharks and a new commercial quota and recreational size limit for all hammerhead sharks. The effective date for those was July 3rd and August 2nd, 2013. A key goal of the Coastal Sharks FMP is to maintain consistency between NOAA Fisheries and our plan.

The new species groups, quotas and the recreational size limit result in some inconsistencies. Back in May 2013, the board initiated this document. In terms of

the large coastal sharks and the small coastal shark groups; state waters follow federal waters; so whenever 80 percent of the quota is expected to be reached, NOAA Fisheries closes that fishery. NOAA Fisheries removed hammerheads and blacknose sharks from the large coastal shark group and the small coastal shark group and established new species groupings.

Our plan does not have those same groupings; so if the species grouping is closed in federal waters, then it would result in inconsistency. In addition, the current recreational size limit for hammerheads is 54 inches, and the stock assessment found that the female scalloped hammerhead shark reaches maturity at 78 inches, so NOAA Fisheries increased that maximum size limit for hammerheads to limit retention of mature individuals.

Issue 1 is establishing new species groups and quotas. Option A is status quo; ASMFC will not change the species groupings in ISFMP; and Option B is measures consistent with Amendment 5A. Just to demonstrate those new species groupings; hammerhead was removed from the large coastal sharks group and placed in their own group, and these two species groups would be linked. When one fishery closes, the other also closes.

The same with blacknose and the non-blacknose small coastal shark group; so finetooth, bonnethead and Atlantic sharpnose will remain in the small coastal shark groups, and the Atlantic blacknose will be put in their own species group. The second issue is recreational size limits.

Option A is status quo; the commission will not change recreational size limit for hammerhead sharks. Option B is measures consistent with the Highly Migratory Species Amendment 5A. As I mentioned, that is a 70-inch recreational size limits for all hammerhead shark species. Just as a reminder to the board; due to budget constraints, if this addendum is approved for

public comment, the states will be responsible for holding public hearings, and staff will provide them with all the necessary information and materials.

CHAIRMAN GIBSON: Are there any questions for Miranda on the draft addendum, which we're considering for public comment? Seeing none; are there any requests to modify the addendum in any way before it goes out to comment?

MR. O'REILLY: I missed the first opportunity there, but I really wanted to just ask again where does this stand in the federal process; is this going parallel so that the alternatives will match up at the end? Since you mentioned the public hearing process would be on the state, is the council or NMFS holding any public hearings on this that you are aware of or has that happened or how does that work?

CHAIRMAN GIBSON: I'll let Marin and the Service respond.

MS. HAWK: They have already implemented the changes in species groupings and recreational size limits.

CHAIRMAN GIBSON: Is there a motion?

MR. AUGUSTINE: Before a motion, do you have a timeline for when we're going to have public hearings and all? You haven't established that yet, and will we have a show of hands before the meeting as to which states might want to have those?

MS. HAWK: Yes, we could do that.

MR. AUGUSTINE: Then I would like to make a motion, Mr. Chairman.

CHAIRMAN GIBSON: Please do.

**MR. AUGUSTINE: I move that the board approve Draft Addendum III for public review.**

CHAIRMAN GIBSON: Thank you, Mr. Augustine; second by Bill McElroy. Is there anyone that wishes to speak to the motion? Mr. Adler, is anyone else ready to speak to the motion? Seeing no one else, you have the floor.

MR. ADLER: Is this more or less just a rubber stamp of what the feds have already done? You take this out to public hearing, you have options, but you really don't have options because you've got to go with what the federal plan is; is that how this is shaping up?

MS. HAWK: Yes, the Coastal Sharks FMP is complementary to the NOAA Fisheries federal FMP, so that is basically what we're doing.

MR. ADLER: We're basically saying this is a done deal, because we have got to go with them.

CHAIRMAN GIBSON: Well, I don't know if I would put it in exactly those words. We're trying to be complementary to an evolving federal plan. I think that has been this board's intent for some time.

DR. LOUIS B. DANIEL: I think we did have an opportunity to comment with the HMS folks here. The documents were modified based on some of our comments. We did have some input in that, and I think it was successful input into that. This is just the final step of complementing those actions that we did have input on.

CHAIRMAN GIBSON: Does anyone else wish to speak to the motion? Seeing none; I'm going to call that question. All those in favor of sending Addendum III out for public comment, please raise your right hand. **It is unanimous; the motion carries.**

#### ADJOURNMENT

CHAIRMAN GIBSON: Thank you very much. Is there any other business to come

before this board? Seeing none; we stand adjourned. That might be a record.

(Whereupon, the meeting was adjourned at 1:05 o'clock p.m. August 8, 2013.)

**State of Maine**  
**Spiny Dogfish Compliance Report**  
**2012/2013 Fishing Year**  
*July 18, 2013*

In accordance with the Spiny Dogfish Fishery Management Plan, the following report is submitted.

**I. Introduction:**

Historically, spiny dogfish have supported a major commercial fishery with principal ports of landings in Rockland, Boothbay Harbor and Portland. From 1976 to 2002, landings ranged from 257 pounds in 2001 to 6,365,648 pounds in 1990. Landings declined rapidly from the 1990 peak year to less than 35,000 pounds in 1999. During the height of the fishery, the dogfish harvest occurred principally from May through October with less than 2% of landings occurring before May 1 and less than .05% of landings occurring after November 1. Annual landings closely reflected fishing year landings and particularly Period I landings.

There was an increase of commercial spiny dogfish landings in Maine from 2004 to 2006 and a decrease in landings in 2007 and 2008. In 2009, the landings increased to 573,823 pounds and in 2010 they decreased again to 228,646 pounds. In 2011, landings were 349,166 pounds with a value of \$74,849. In 2012 dealers reported 226,770 pounds with a value of \$42,553. Commercial harvesters reported 253,912 kept pounds and 1,122,763 discarded pounds. 2012 landings are preliminary and subject to change.

The spiny dogfish possession limit was increased to 4,000 pounds, effective April 16 2013, which is consistent with specifications set by the Spiny Dogfish & Coastal Sharks Management Board for the 2013/2014, 2014/2015, and 2015/2016 fishing seasons.

**II. Request for *de minimis*:** The State of Maine does not request *de minimis* status.

**III. Previous year's fishery and management program:**

**a) Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).**

None

**b) Activity and results of fishery independent monitoring (provide general results and references to technical documentation).**

*DMR Inshore Trawl Survey:*

The spring portion of the 2012 Maine-New Hampshire Inshore Trawl Survey was conducted in the near shore waters of the Gulf of Maine. A total of 94 spiny

dogfish were collected, 77 females and 17 males were caught. Males ranged from 26 to 57 cm and the females 25 to 88 cm.

The fall portion of the 2012 Trawl survey saw 119 dogfish. There were 65 males at lengths ranging from 26 cm to 82 cm. A total of 54 females were sampled at lengths ranging between 26 and 80 cm, numbers were distributed fairly evenly within the ranges for both sexes.

Mike Kersula, a student at the University of Maine, collected some dogfish stomach and tissue samples for a diet and condition study. Approximately 50 - 60 dogfish were sampled in 2012. All other dogfish collected in the survey were released alive.

**c) Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.**

For the 2012/2013 fishing season, Maine regulations specified a maximum possession limit of 3,000 pounds and DMR opened and closed the fishery consistent with ASMFC specifications. The following regulations were in place.

*Chapter 50 Spiny Dogfish and Coastal Sharks*

*50.01 Definitions*

1. "Coastal Sharks" means for the purpose of these regulations any the following species of shark caught in Maine's territorial waters: sand tiger, bigeye, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, silky, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, sandbar and bigeye sixgill sharks.

2. "Finning" means the act of taking a spiny dogfish, porbeagle or other coastal shark, removing the fins, and returning the remainder of the spiny dogfish, porbeagle or other coastal shark to the sea.

3. "Spiny dogfish" means the genus and species *Squalus acanthias*.

4. "Porbeagle shark" means the genus and species *Lamna nasus*, 50.02 Harvest, Possession and Landing Restrictions

*A. Spiny Dogfish*

*When the annual Atlantic States Marine Fisheries Commission quota for spiny dogfish is reached it shall be unlawful to fish for, take, have in possession or land spiny dogfish taken from Maine territorial waters. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for spiny dogfish taken from Maine territorial waters has been reached. This is in accordance with the annual quota established by the Atlantic States Marine Fisheries Commission.*

*(1) Exception*

*(a) This rule shall not apply to vessels or individuals who harvest or possess dogfish for research or biomedical use, provided such vessels or individuals have a permit from the Commissioner of Marine Resources.*

*(b) Any person may fish for, take, possess, or transport one dogfish per day provided that the dogfish is for personal use only.*

*(2) Spiny Dogfish Trip Limit*

*It is unlawful to harvest, land or possess more than 3,000 pounds of spiny dogfish from May 1 to October 31 (period one) and from November 1 to April 30 (period two) during those dates when Maine territorial waters are not closed to the taking of dogfish in accordance with Chapter 50.02(A).*

*B. Porbeagle shark*

*(1) The commercial harvest of porbeagle sharks is prohibited in Maine's territorial waters.*

*(2) When the quota for porbeagle shark is reached in federal waters it shall be unlawful to fish for, take, have in possession or land porbeagle shark in Maine. Persons shall be informed by public notice in a newspaper with statewide circulation when the annual quota for porbeagle shark taken from federal waters has been reached. This is in accordance with the Interstate Fisheries Management Plan for Atlantic Coastal Sharks established by the Atlantic States Marine Fisheries Commission.*

*C. Coastal Sharks*

*The take of Coastal Sharks, as defined in Chapter 50.01(1), is prohibited in Maine's territorial waters.*

*50.03 Spiny Dogfish Endorsement for Dealers, License for Harvesters, Reporting Requirements and Quota*

*A. Harvester License and Dealer Endorsement*

*(1) Commercial harvesters must obtain a Commercial Pelagic and Anadromous Fishing License in order to participate in this fishery.*

*(2) Wholesale license-holders must obtain a dogfish buying endorsement before April 15th in order to participate in this fishery.*

*B. Reporting: See Chapter 8. Future license or endorsements will be dependent upon reporting compliance.*

*C. Quota: Fishing for spiny dogfish is subject to the annual quota specified by the ASMFC and NMFS Spiny Dogfish specifications. The annual quota is established annually by May 1st for the fishing year.*

*50.04 Shark, Dealers*

*A. Dealer permit requirement*

*Maine Wholesale license-holders who purchase Coastal sharks or porbeagle shark must obtain a federal dealer permit.*

*50.10 Finning Prohibited*

*Finning is prohibited in Maine territorial waters. Vessels that land spiny dogfish, porbeagle or coastal sharks must have the head, fins and tails attached naturally*

*to the carcass through landing. The porbeagle, coastal shark or dogfish may be bled.*

## *Chapter 8 Landings Program*

### *Chapter 8.10 Dealer Reporting*

#### *G. Spiny Dogfish*

*Any Primary Buyer shall report to the Department's Landings Program. Reports required in this section must be submitted electronically to DMR using an approved electronic format, such as the Standard Atlantic Fisheries Information System (SAFIS), file uploading, or Trip Ticket software. The reporting week begins on Sunday at 0001 hrs (12:01 AM) local time and ends Saturday at 2400 hrs (12:00 midnight). Reports must be submitted by midnight Tuesday, three days after the end of each reporting week. Dealers who want to make corrections to their trip-level reports may do so for up to 3 business days following submission of the initial report. If a correction is needed more than 3 business days following the submission of the initial trip-level report, the dealer must contact DMR directly to request an extension of time to make the correction.*

*Dealers must provide the following information:*

- 1. Dealer ID*
- 2. Trip start date*
- 3. Landing date*
- 4. Harvester ID*
- 5. Vessel ID (Hull ID)*
- 6. Gear Type*
- 7. Species, market size and grade*
- 8. Quantity and unit*
- 9. Disposition*
- 10. Price per unit*
- 11. Port landed*

### *Chapter 8.20 Harvester Reporting*

#### *L. Spiny Dogfish*

*All Maine licensed dogfish harvesters must report daily fishing information for spiny dogfish that are landed in Maine, to the Department, according to written instructions on forms provided by the Department. Fishing vessel trip reports must include the following information:*

- 1. Commercial license number and harvester name;*
- 2. Vessel state registration number and vessel name;*
- 3. Date/time sailed and landed;*
- 4. Number of crew (including captain);*
- 5. Gear fished;*
- 6. Quantity and size of gear;*



7. *Number of sets;*
8. *Hours at sea;*
9. *Fishing time;*
10. *Latitude/longitude (or loran bearings);*
11. *Species*
12. *Pounds of all species landed or discarded;*
13. *Disposition;*
14. *Port and state landed;*
15. *Dealer name and license number sold to;*
16. *Signature of harvester;*
17. *Any other information or instructions deemed necessary.*

**d) Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).**

*Commercial harvest:* For 2012, dealers reported 226,770 pounds with a value of \$42,553. Commercial harvesters reported 253,912 kept pounds and 1,122,763 discarded pounds. 2012 commercial landings are preliminary and subject to change.

*Recreational harvest:* Based on the NOAA MRIP for 2012, the total harvest (A+B1) was 718 fish with a PSE of 22.3.

**e) Review of progress in implementing habitat recommendations (if applicable).**

Not applicable.

**IV. Planned Management Programs for the Current Fishing Year:**

**a) Summarize regulations that will be in effect for the current fishing year.**

Regulations will continue as last year. When the Northern Region fishery for spiny dogfish is closed, the public will be informed by public notice in a newspaper of statewide circulation. The 2013/2014 possession limit is set at 4,000 pounds maximum.

**b) Copy of current regulations if different from III**

Not different

**c) Summarize monitoring programs that will be performed.**

In order to track the commercial landings of spiny dogfish taken from territorial waters, dealer and harvester reporting regulations are required in accordance with the DMR Landings Program and the Atlantic Coastal Cooperative Statistics Program.

**d) Highlight any changes from the previous year.**

The spiny dogfish possession limit was increased to 4,000 pounds, effective April 16 2013, which is consistent with specifications set by the Spiny Dogfish & Coastal Sharks Management Board for the 2013/2014, 2014/2015, and 2015/2016 fishing seasons.

**V. Plan Specific Requirements:**

*Mount Desert Island Biological Labs:*

In 2012, Mount Desert Island Biological Labs (MDIBL) was the only special license holder that collected dogfish for biomedical supply. A total of 232 spiny dogfish were purchased from a commercial fisherman from July 26 – August 25, 2012 from Maine coastal waters. Average length was 76 centimeters. All dogfish were used for biomedical research at MDIBL.

**Spiny Dogfish Compliance Report for the May 2012 through April 2013**  
**Fishing Year**

**Submitted by the State of New Hampshire**

**I. Introduction**

- a. Summary of the year: highlight any significant changes in monitoring, regulations or harvest.

The 2012 season for spiny dogfish opened July 1, 2012 in state waters with a 3,000 pound trip limit. There were no other significant changes to monitoring or harvest in 2012. Spiny dogfish regulations were amended and became effective beginning January 29, 2013.

**II. Request for *de minimis*, where applicable.**

New Hampshire does not request *de minimis*.

**III. Previous year's fishery and management programs**

- a. Activity and results of fishery dependent monitoring (provide general results and references to technical documentation).

There was no fishery dependent monitoring for spiny dogfish.

- b. Activity and results of fishery independent monitoring (provide general results and references to technical documentation).

There was no fishery independent monitoring for spiny dogfish in New Hampshire waters.

- c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.

Fis 603.19 Dogfish.- Effective prior to January 29, 2013

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;

(2) Be for personal use only; and

(3) Not be sold.

(c) The open season for taking dogfish in state waters shall be August 1 through April 30. The executive director may revise the opening of the season by up to 3 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information:

(1) The quantity in pounds of dogfish purchased;

(2) The harvester's name and coastal harvest permit number or NMFS permit number;

(3) The vessel name and registration number from which dogfish were purchased.

Fis 603.19 Dogfish. Effective January 29, 2013

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

(1) Only be taken by angling;

(2) Be for personal use only; and

(3) Not be sold.

(c) The open season for taking dogfish in state waters shall be July 1 through April 30. The executive director may revise the opening of the season by up to 2 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information consistent with the minimum data requirements of the Standard Atlantic Fisheries Information System (SAFIS):

- (1) Name of processor, primary dealer, or properly licensed person;
- (2) The dealer's or processor's wholesale marine species or commercial saltwater license number;
- (3) Week of reporting period;
- (4) Commercial harvester's trip start date;
- (5) Vessel name;
- (6) State of vessel registration and number or coast guard number;
- (7) Commercial harvester's first name, last name, date of birth, and license number;
- (8) Number of trips for commercial harvester per day;
- (9) Species purchased;
- (10) Number or pounds of species purchased;
- (11) Disposition of species purchased;
- (12) Ex-vessel value or price of purchased species;
- (13) Port, county and state where species were landed;
- (14) Date species unloaded from commercial harvester's vessel;
- (15) Grade and market size of purchased species;
- (16) Gear used to harvest species; and
- (17) Dated signature of dealer or processor, signed subject to the penalties for unsworn false statements under RSA 641:3.

(g) The reporting week shall be Sunday through Saturday. Reports shall be received by Tuesday of the following week.

#### Commercial Harvest

No mobile gear is allowed in New Hampshire state waters (RSA 211:49).

The Standard Atlantic Fisheries Information System (SAFIS) indicated that for the months of May 2012 through April 2013, 1,814,609 pounds of dogfish were landed.

#### Recreational Harvest

The Marine Recreational Fisheries Statistics Survey (MRFSS) of the National Marine Fisheries Service (NMFS) records show that recreational harvest in New Hampshire state waters amounted to 1,163 spiny dogfish in 2012.

#### Non-harvest Losses

Impingements at the Seabrook Power Station in Seabrook, NH for May 1, 2012 through April 30, 2013 have not been released. There were four reported impingements of spiny dogfish in 2011.

- e. Review of progress in implementing habitat recommendations.

This is not applicable for New Hampshire.

#### **IV. Planned management programs for the current fishing year.**

- a. Summarize regulations that will be in effect for the current fishing year (May 1, 2013 through April 30, 2014).

##### Fis 603.19 Dogfish.

(a) No person shall take, land or possess spiny dogfish in state waters whenever the state has been notified by the Atlantic States Marine Fisheries Commission (ASMFC) that the state quota has been taken.

(b) During any time period for which dogfish is closed as specified in (a) or (c), dogfish shall:

- (1) Only be taken by angling;
- (2) Be for personal use only; and
- (3) Not be sold.

(c) The open season for taking dogfish in state waters shall be July 1 through April 30. The executive director may revise the opening of the season by up to 2 months depending on the quotas set by the ASMFC.

(d) Finning shall be prohibited. "Finning" means the taking of spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(e) The executive director shall set trip limits up to 7,000 pounds depending on the quotas and trip limits set by the ASMFC.

(f) Any person who is not a permitted federal dealer, shall report each week the following information consistent with the minimum data requirements of the Standard Atlantic Fisheries Information System (SAFIS):

- (1) Name of processor, primary dealer, or properly licensed person;
- (2) The dealer's or processor's wholesale marine species or commercial saltwater license number;
- (3) Week of reporting period;
- (4) Commercial harvester's trip start date;
- (5) Vessel name;
- (6) State of vessel registration and number or coast guard number;
- (7) Commercial harvester's first name, last name, date of birth, and license number;
- (8) Number of trips for commercial harvester per day;
- (9) Species purchased;
- (10) Number or pounds of species purchased;
- (11) Disposition of species purchased;
- (12) Ex-vessel value or price of purchased species;
- (13) Port, county and state where species were landed;
- (14) Date species unloaded from commercial harvester's vessel;
- (15) Grade and market size of purchased species;
- (16) Gear used to harvest species; and
- (17) Dated signature of dealer or processor, signed subject to the penalties for unsworn false statements under RSA 641:3.

(g) The reporting week shall be Sunday through Saturday. Reports shall be received by Tuesday of the following week.

**Note:** The 2013 season for spiny dogfish will begin July 1, 2013 in state waters with a 4,000 pound trip limit.

b. Summarize monitoring programs that will be performed.

No planned monitoring programs are planned for the current fishing year.

c. Highlight any changes from the previous year.

Refer to IV a above. There were no changes from the previous year.

## **V. Plan specific requirements**

Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.

New Hampshire issues scientific permits. There were no permits issued for the current fishing year (May 1, 2012 through April 30, 2013).



**Commonwealth of Massachusetts  
Division of Marine Fisheries**



**SPINY DOGFISH**

**Compliance Report to the Atlantic States Marine Fisheries Commission**

**Fishing Year: May 1, 2012 through April 30, 2013**

July 1, 2013

## I. Introduction

The Commonwealth of Massachusetts complied with all elements of the ASMFC Spiny Dogfish Management Plan during the May 1, 2012 through April 30, 2013 fishing year (FY 2012). The “northern region” (Maine through Connecticut) was allocated 58% of the 35.694 million pound coastwide ASMFC annual quota, or 20,702,520 pounds. A quota overage during FY 2011 reduced the FY 2012 northern region quota to 17,153,856 pounds. Massachusetts maintained its 3,000 lb commercial trip limit.

## II. Request for *de minimis*, where applicable

Not applicable.

## III. Previous calendar year’s fishery and management program

### a. Fishery dependent monitoring

Massachusetts requires any person/vessel commercially fishing for spiny dogfish to hold a commercial fishing permit with a regulated fishery endorsement and to report landings monthly. *Marine Fisheries* employs a comprehensive trip-level harvester reporting program, which meets the standards established by the Atlantic Coastal Cooperative Statistics Program (ACCSP). These reports must include the date of harvest, trip start time and duration, port, gear type, harvest location, disposition, quantity, and dealer name and permit number (if sold). In order to renew permits, permit holders must submit for all months, regardless of whether they fished commercially during a month or not. In addition, all primary buyers in Massachusetts are required to report weekly their purchases of any marine species from fishermen. Wholesale truck dealers acting as primary buyers are prohibited from buying quota managed species. Information collected from dealers is consistent with ACCSP standards.

In 2012, *Marine Fisheries* issued 1,017 spiny dogfish endorsements. Commercial landings for FY 2012 were 13,253,058 lbs according to dealer reports and 12,780,645 lbs according to harvester reports (note these data are preliminary). The harvester reported landings represent a 17% increase from the FY 2011 landings of 10,927,098 lbs.

### b. Fishery independent monitoring

None.

### c. Regulations

See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.

During 2012, *Marine Fisheries* authorized an experimental short-soak gillnet dogfish fishery to occur in the two-month (October and November) groundfish closure in Upper Cape Cod Bay and Massachusetts Bay to capitalize on remaining dogfish quota. In prior years this action was not considered because the northern region quota was taken before the two-month closure came into effect. An existing exemption to the groundfish time/area closure allows longlining for dogfish; the experimental fishery essentially extended that exemption to include short-soak gillnetting (no overnight sets) by letter of authorization. The experimental fishery was announced via *Marine Fisheries* Advisories (Attachment 2). It was deemed a success as additional access was provided without causing a quota overage or regulatory discard problem.

d. Harvest

Table 1. Massachusetts commercial spiny dogfish landings (pounds) for FY 2012, by gear; data are preliminary. (Source: state and federal vessel trip reports)

|              |                   |
|--------------|-------------------|
| Gillnet      | 6,725,784         |
| Hook         | 5,306,174         |
| Trawl        | 631,959           |
| Other        | 116,728           |
| <b>Total</b> | <b>12,780,645</b> |

According to NOAA Fisheries' Office of Science and Technology, recreational anglers caught 247,244 spiny dogfish during FY 2012 (Wave 3, 2012 through Wave 2, 2013), of which 2,765 spiny dogfish were harvested and 244,479 (or 98.9%) released.

**IV. Planned management programs for the current calendar year**

- a. Summarize regulations that will be in effect  
See regulations enacted in the Code of Massachusetts Regulations (CMR, Attachment 1) and by specification, as announced in *Marine Fisheries* Advisories (Attachment 2). These apply to the commercial harvest of spiny dogfish; Massachusetts has no recreational regulations specific to spiny dogfish.
- b. Summarize monitoring programs that will be performed  
Status quo.
- c. Highlight any changes from the previous year  
Consistent with the decision by ASMFC, *Marine Fisheries* increased the commercial trip limit to 4,000 lbs for FY 2013 (Attachment 2).

Depending on quota availability, *Marine Fisheries* will consider re-authorizing the short-soak gillnet experimental fishery for dogfish during October and November in the groundfish closure in Upper Cape Cod Bay and Massachusetts Bay. This fishery may be added as a second regulatory exemption to the closure in the future.

**V. Plan specific requirements**

Biomedical harvest of spiny dogfish collected under exempted fishing permits: None.

Attachment 1: Code of Massachusetts Regulations

322 CMR 6.35 Spiny Dogfish Management

(1) Definitions For the purposes of 322 CMR 6.35;

(a) Spiny Dogfish means that species known as *Squalus acanthias*.

(b) Spiny Dogfish Commercial Quota means allowable commercial landings established by the Director each year. For 2000, the quota is 7,000,000 lbs.

(c) Night means the time between 1/2 hour after sunset to 1/2 hour before sunrise during the period March 1 through October 31, or from 6:00 p.m. to 6:00 a.m. during the period November 1 through the last day of February.

(d) Finning means the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea.

(2) Permit A regulated fishery Special Permit issued by the Director shall be:

(a) required of all commercial fishermen taking or landing spiny dogfish from waters under the jurisdiction of the Commonwealth; and

(b) carried by the holder at all times when catching, taking, possessing, or selling spiny dogfish taken from waters under the jurisdiction of the Commonwealth; and

(c) displayed forthwith on demand by any Environmental Police Officer or other official authorized to enforce 322 CMR 6.35;

(3) Dealer Authorization It is unlawful for dealers without written authorization from the Director to purchase spiny dogfish from commercial fishermen.

(4) Dealer Reporting Dealers shall report all purchases of spiny dogfish by phone and in writing based on schedules established and on forms to be provided by the Division.

(5) Possession Limit

(a) Declaration of Annual Specifications. The Director may, by declaration, establish and adjust the manner and times of taking spiny dogfish, and the legal size limits, numbers and/or quantities of spiny dogfish to be taken as prescribed by M.G.L. c. 130 § 17A and specified by the Atlantic States Marine Fisheries Commission (ASMFC).

(b) Declaration Process. Annual specifications shall not be effective until:

(a) a notice has been filed with the Massachusetts Register;

(b) a notice has been published by at least one local newspaper;

(c) a copy of the notice has been emailed via the Marine Fisheries Listserv and posted on the Division's website; and

(d) a two-week comment period has been conducted by the Division; and

(e) it has been approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

(6) Commercial Quota It is unlawful for commercial fishermen to land or possess spiny dogfish when the Commonwealth's spiny dogfish quota has been reached.

(7) Prohibitions

(a) It is unlawful for any fisherman to fin dogfish. Fins removed at sea must be retained, landed at the same time and in the same location with carcasses, and not exceed a maximum 5% fin to carcass ration, by weight.



**Paul J. Diodati**  
*Director*

# *Commonwealth of Massachusetts*

## **Division of Marine Fisheries**

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Boston, Massachusetts 02114

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fax (617)626-1509



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*Governor*

**Timothy P. Murray**  
*Lt. Governor*

**Richard K. Sullivan, Jr.**  
*Secretary*

**Mary B. Griffin**  
*Commissioner*

**April 25, 2012**

### **MarineFisheries Advisory**

#### **DIVISION OF MARINE FISHERIES DECLARES A 3,000 LB. COMMERCIAL SPINY DOGFISH TRIP LIMIT SPECIFICATION FOR THE 2012/2013 SEASON**

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The Director hereby declares that it shall be unlawful for any person or vessel to possess or land in excess of 3,000 lbs of spiny dogfish per calendar day. This fishery shall open on May 1, 2012 and shall remain open until 58% of the coast-wide quota has been landed. Only those commercial fishermen with a spiny dogfish endorsement may possess or land spiny dogfish in the Commonwealth in accordance with this declaration.

On March 29, 2012, the Director of the Division of Marine Fisheries proposed a 3,000 lb trip limit specification for the 2012/2013 commercial spiny dogfish fishery in Massachusetts. This 3,000 lb. trip limit specification has been adopted by the National Marine Fisheries Service and the Atlantic States Marine Fisheries Commission. Pursuant to 322 CMR § 6.35 the following actions have been taken: notice was filed with the Massachusetts Register on March 29, 2012; notice was published in the Cape Cod Times on April 2, 2012; on March 29, 2012 notice was electronically mailed to all fishermen on *MarineFisheries*' list-serve and posted at the *MarineFisheries* website; *MarineFisheries* conducted a two-week public comment period from April 4, 2012 to April 20, 2012; and on April 24, 2012 the notice was approved by a majority of the members of the Massachusetts Marine Fisheries Advisory Commission.

For more information, contact Jared Silva at 617-626-1534 or at [jared.silva@state.ma.us](mailto:jared.silva@state.ma.us).

Please visit our website at [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries).



**Paul J. Diodati**  
*Director*

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*Secretary*

**Mary B. Griffin**  
*Commissioner*

**September 28, 2012**

### **Marine Fisheries Advisory**

## **ANNOUNCEMENT FOR EXPERIMENTAL OCTOBER STRIKE-NET FISHERY FOR SPINY DOGFISH**

Massachusetts Division of Marine Fisheries is authorizing an experimental fishery to allow a “strike-net” fishery for spiny dogfish through October to capitalize on remaining quota and to allow a continuation of current fishing practices. Current regulations prohibit fishing for groundfish during the 2-month (October-November) groundfish closure in Upper Cape Cod Bay and Mass. Bay. An existing exemption allows longlining for dogfish during the time/area closure. This experimental fishery will allow the use of sink gillnets set for short soaks (a few hours). If successful, this activity could be added as a regulatory exemption in the future.

Eligible fishermen and vessels are those whose state permits already have a gillnet endorsement and are up to date with their trip-level reporting of landings. This experimental fishery will be conducted in the October (and possibly November) “rolling closures” as defined in 322 CMR 8.12(2). Participation conditions and monitoring requirements will be established by a Letter of Authorization (LOA) issued by the Director to the permit holder. Nets fished in the special access area may not be left overnight and vessels must remain within 1 mile of their nets at all times in the area.

The Division may place at-sea observers aboard participating vessels. Consequently, vessels must be up to date with all required safety equipment, including but not limited to: immersion suits/PFDs, throwable floatation device, life rafts (where required), first aid material, distress signals, fire extinguishing equipment, and radio. If regulatory discards become problematic, permits may be further conditioned to: (1) restrict fishing from certain areas, (2) modify fishing gear, or (3) end access.

For more information about this experimental fishery or to enroll, please send DMF by fax or email a request to participate with the following information:

- Your name
- DMF Permit ID
- Vessel name, length, and registration (or documentation number)
- Port you intend to fish from

The fax number is 617-626-1509 or contact Jared Silva at [jared.silva@state.ma.us](mailto:jared.silva@state.ma.us) or 617-626-1534 or Kerry Allard at [kerry.allard@state.ma.us](mailto:kerry.allard@state.ma.us) or 617-626-1633.



**Paul J. Diodati**  
*Director*

# *Commonwealth of Massachusetts*

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**Mary B. Griffin**  
*Commissioner*

**November 7, 2012**

### **Marine Fisheries Advisory**

## **ANNOUNCEMENT FOR EXTENSION OF EXPERIMENTAL SHORT-SOAK GILLNET FISHERY FOR SPINY DOGFISH**

The Massachusetts Division of Marine Fisheries is extending through November the experimental fishery allowing a “short-soak” gillnet fishery for spiny dogfish to capitalize on remaining quota and allow a continuation of current fishing practices. **All permit holders who applied for and received authorization for October will receive a new authorization letter for fishing through November 30.**

Current regulations prohibit fishing for groundfish during the two-month (October-November) groundfish closure in Upper Cape Cod Bay and Massachusetts Bay. An existing exemption allows longlining for dogfish during the time/area closure. This experimental fishery allows the use of sink gillnets set for short soaks (a few hours). If successful, this activity could be added as a regulatory exemption in the future.

Eligible fishermen and vessels are those whose state permits already have a gillnet endorsement and are up to date with their trip-level reporting of landings. This experimental fishery will be conducted in the October-November “rolling closure” as defined in 322 CMR 8.12(2). Participation conditions and monitoring requirements will be established by a Letter of Authorization (LOA) issued by the Director to the permit holder. Nets fished in the special access area may not be left overnight and vessels must remain within 1 mile of their nets at all times in the area.

The Division may place at-sea observers aboard participating vessels. Consequently, vessels must be up to date with all required safety equipment, including but not limited to: immersion suits/PFDs, throwable flotation device, life rafts (where required), first aid material, distress signals, fire extinguishing equipment, and radio. If regulatory discards become problematic, permits may be further conditioned to: (1) restrict fishing from certain areas, (2) modify fishing gear, or (3) end access.

To enroll in the experimental fishery, please send DMF by fax (617-626-1509) or email ([kerry.allard@state.ma.us](mailto:kerry.allard@state.ma.us) or [jared.silva@state.ma.us](mailto:jared.silva@state.ma.us)) a request to participate with the following information:

- Your name
- DMF Permit ID
- Vessel name, length, and registration (or documentation number)
- Port you intend to fish from

For more information, contact Kerry Allard at 617-626-1633 or Jared Silva at 617-626-1534.



**Paul J. Diodati**  
*Director*

# *Commonwealth of Massachusetts*

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**Mary B. Griffin**  
*Commissioner*

**April 5, 2013**

### **Marine Fisheries Advisory**

#### **DIRECTOR'S DECLARATION OF ANNUAL SPINY DOGFISH SPECIFICATIONS**

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For the 2013/2014 commercial spiny dogfish fishery, the Atlantic States Marine Fisheries Commission's (ASMFC) Spiny Dogfish Board approved a 23.69 million pound quota and 4,000 pound trip limit for the Northern Region (ME-CT). On April 4, 2013 the Massachusetts Marine Fisheries Advisory Commission approved the Division of Marine Fisheries (*Marine Fisheries*) proposed commercial specifications for spiny dogfish. Pursuant to 322 CMR 6.35, the Director hereby declares the following annual specifications:

1. **Beginning May 1, 2013 it shall be unlawful for any commercial vessel or commercial permit holder to possess or land in excess of 4,000-lbs. of spiny dogfish per trip or per calendar day, whichever is longer; and**
2. **Once the Director has determined that the northern states' allocation (58%) of the ASMFC-approved quota has been reached, it shall be unlawful for commercial fishermen to land or possess any spiny dogfish.**

For more information regarding the commercial spiny dogfish fishery please visit our website ([www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)) or call the Division of Marine Fisheries at 617-626-1520.





Rhode Island  
Department of Environmental Management

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DIVISION OF FISH AND WILDLIFE

3 Fort Wetherill Road  
Jamestown, RI 02835

TEL 401 423-1920  
FAX 401 423-1925

TO: Marin Hawk, ASMFC Spiny Dogfish FMP Coordinator

FROM: Eric Schneider, Principal Biologist

DATE: ~~June 27, 2013~~ Revised and resubmitted on July 11, 2013

SUBJECT: Rhode Island Spiny Dogfish Annual Compliance Report for the 2012 Fishing Year

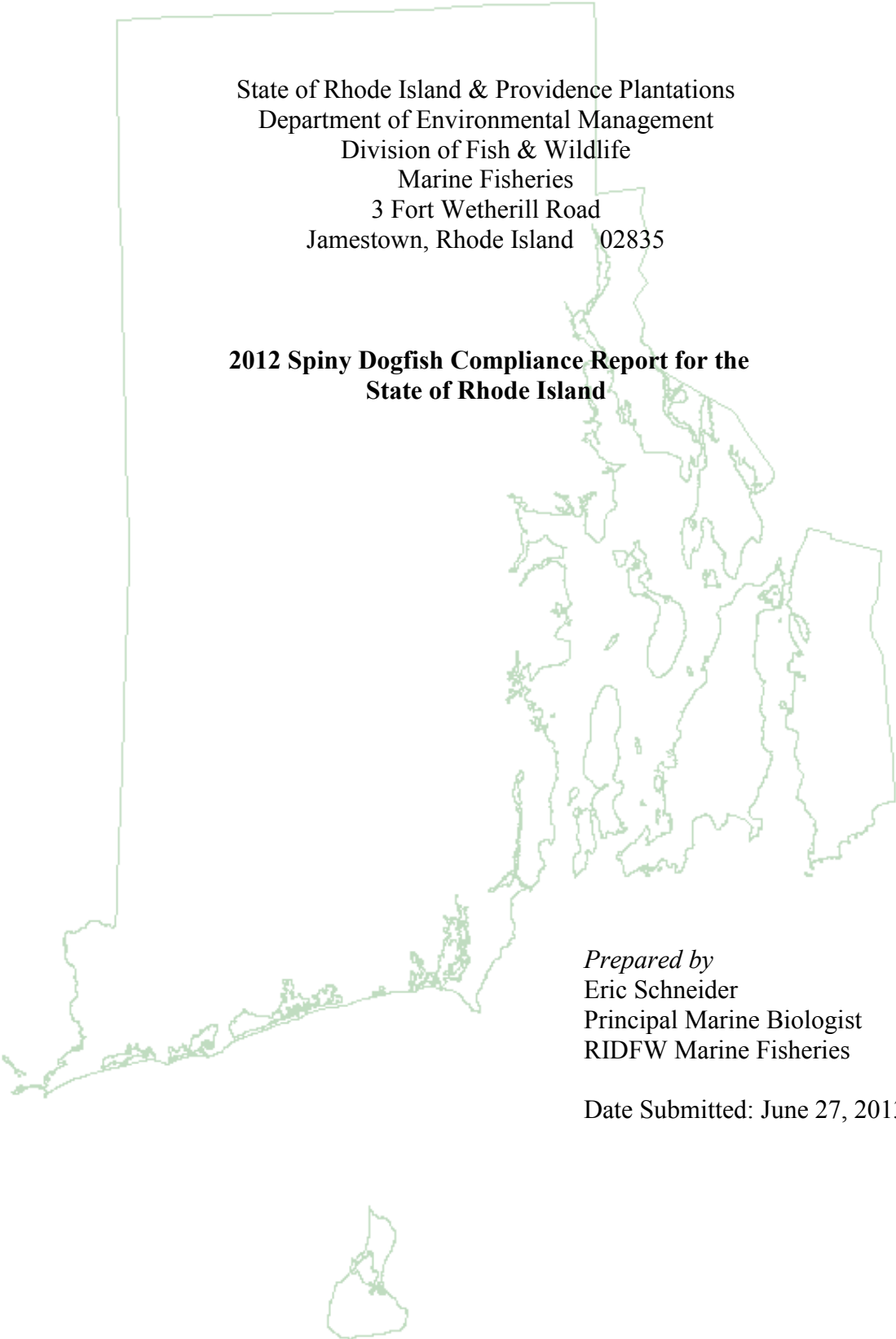
Attached please find Rhode Island's spiny dogfish annual compliance report for the 2012 fishing year.

Please contact me at 401.423-1933 or via email at [Eric.Schneider@dem.ri.gov](mailto:Eric.Schneider@dem.ri.gov) if you have questions or need additional information.

Thank you.

cc: M. Gibson  
J. McNamee  
A. Valliere

Attachment: RI Spiny Dogfish Compliance Report for 2012 FY.doc

An outline map of Rhode Island, showing the state's irregular shape and its numerous islands and bays. The map is drawn with a thin green line. The text is centered within the map's outline.

State of Rhode Island & Providence Plantations  
Department of Environmental Management  
Division of Fish & Wildlife  
Marine Fisheries  
3 Fort Wetherill Road  
Jamestown, Rhode Island 02835

**2012 Spiny Dogfish Compliance Report for the  
State of Rhode Island**

*Prepared by*  
Eric Schneider  
Principal Marine Biologist  
RIDFW Marine Fisheries

Date Submitted: June 27, 2013

## Rhode Island Spiny Dogfish Annual Compliance Report for the 2012 Fishing Year

### I. Introduction

Summary: Commercial landings data collected by the Standard Atlantic Fisheries Information System (SAFIS) as of 6/27/2013 indicate 1,620,869 lbs of spiny dogfish were landed in Rhode Island during the 2012 fish year (May 1, 2012 – April 30, 2013), with an estimated commercial value of \$289,520.

In accordance with the Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish and Rhode Island regulations:

- Beginning 12:01 AM on May 1, 2012 the commercial possession limit for spiny dogfish increased to 3,000 lbs/vessel/day, thereby opening the commercial fishery for the 2012 fishing year.
- Consistent with ASMFC Northern Region management actions the RI commercial spiny dogfish fishery did not close and remained open for the entire fishing year because the Northern Region quota was not harvested prior to April 30, 2013.

### II. Request for *de minimis*, where applicable.

The state of Rhode Island does not wish to apply for *de minimis* status.

### III. Previous year's fishery and management program:

#### A. Activity and results of fishery dependent monitoring.

Fishery dependent monitoring remains the same as in previous years. This is limited to port sampling and at-sea observers. None of these efforts are directed at dogfish.

#### B. Activity and results of fishery independent monitoring.

Fishery independent monitoring is limited to dogfish taken in the RI Division of Fish & Wildlife, Marine Fisheries Section monthly and seasonal trawl survey. This data is available upon request.

#### C. Copy of regulations that were in effect during this period are as follows:

### **Regulations from May 1, 2012 through April 30, 2013:**

Rhode Island Marine Fisheries Regulations  
Part VII – Minimum Sizes of Fish/Shellfish  
7.15 Spiny dogfish

7.15.1 Commercial Season and Possession Limits – The commercial season shall extend from May 1 until April 30 of the following year. RI is currently designated as a state that is part of the Northern region. A Northern region quota for spiny dogfish will be

established annually and shall be the most recent allocation by the Atlantic States Marine Fisheries Commission (ASMFC) and/or the Secretary of the U.S. Department of Commerce as published in the Federal Register, which is currently set at 58% of the coastwide quota. It shall be unlawful to possess aboard or land from a vessel, in any one calendar day, more than 3,000 pounds of spiny dogfish. When notified that the quota in the Northern region has been harvested, or projected to be harvested, as determined by the National Marine Fisheries Service or the Atlantic States Marine Fisheries Commission, the Division of Fish and Wildlife shall file a notice with the Office of the Secretary of State prohibiting the commercial landings, harvest and possession of spiny dogfish in state waters for the remainder of the designated period.

- (a) The Division is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish. Pursuant to the authority of Part III Section 3.2.1, the Division is further authorized to adjust season(s) and possession limits governing the taking of spiny dogfish as may be deemed necessary to comply with said agreements. The Division will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.

7.15.2 Prohibition of Finning – Finning is defined as the act of taking a spiny dogfish, removing the fins, and returning the remainder of the spiny dogfish to the sea. Finning spiny dogfish shall be prohibited in all state waters. Vessels that land spiny dogfish must land fins in proportion to carcasses, with a maximum 5% fin to carcass ratio, by weight. Fins may be removed at sea, but the corresponding carcass must be retained. All fins and carcasses must be landed at the same time and in the same location.

**RIMF REGULATIONS [Penalty – Part 3.3 (RIGL 20-1-16)]**

- D. Harvest broken down by commercial (gear type where applicable) and recreational fishing, and non-harvest losses (when available).

- 1. Commercial landings data collected by the Standard Atlantic Fisheries Information

| <b>2012-FY RI Landings of Spiny Dogfish by Gear Type</b> |                       |                   |
|--|-----------------------|-------------------|
| <b>Gear Types</b>  | <b>Landings (lbs)</b> | <b>Value (\$)</b> |
| Gill nets  | 913,272               | 183,814           |
| Trawls   | 44,110                | 7,229             |
| Other Gear*  | 663,487               | 98,477            |
| <b>Total</b>   | <b>1,620,869</b>      | <b>289,520</b>    |

\* For confidentiality reasons "Other Gear" includes landings by the following gear types: dredge, fixed nets, pots and traps, hook and line, and not coded.

Note: Gear is not a federally-required data element; since the advent of “Dealer Electronic Reporting” gear is not audited at the trip level. Use with discretion.

2. Recreational – unknown.

3. Non-harvest losses – unknown.

E. Review of progress in implementing habitat recommendations.

N/A - Habitat recommendations have not been outlined in the FMP. Currently, Rhode Island has no initiatives in this area.

#### **IV. Planned management programs for the current calendar year**

A. Summarize regulations that will be in effect.

Management of spiny dogfish in RI state waters was consistent with ASMFC management actions.

B. Summarize monitoring programs that will be performed.

The RI Division of Fish & Wildlife, Marine Fisheries Section will continue to collect trip-level reporting of landings of spiny dogfish and quota-managed species using SAFIS.

C. Highlight any changes from the previous year.

1. The only regulatory or management change that occurred during the 2012 fishing year was the establishment of Division authority to enter into interstate agreements within the ASMFC Northern management region for purposes of managing the Northern quota in accordance with industry interests using seasonal closures and possession limit adjustments (see language below in part “i” and background on the amendment below).

The only other regulatory change occurred when we filed to change the possession limit from 3,000 to 4,000 lbs per vessel per day for the upcoming commercial fishing year starting May 1, 2013. However, there was an error in the language when filed (on March 22, 2013) stating that the possession limit increase would become effective on April 11, rather than May 1, 2013 as intended. The error was noted soon after filing and the regulation was amended (i.e. re-filed) on March 27, 2013. During this period (March 22 to March 27, 2013) the possession limit remained at 3,000 lbs per vessel per day, thus the state was never out of compliance, and no landings exceeded the 3,000 lbs per vessel per day possession limit.

In summary, the change filed on March 27, 2013 was as follows:

03/27/2013 PART III - MARINE FISHERIES COUNCIL

3.2.1 - This action sets the commercial possession limit for spiny dogfish to 3,000 pounds per vessel per calendar day, beginning 12:01 AM on March 28, 2013, then commencing on May 1, 2013, increases the commercial possession limit to 4,000 pounds per vessel per calendar day. [This regulation amendment becomes effective upon filing].

i. Rhode Island Marine Fisheries Regulations: Part 7.15.1

(a) The Division is hereby authorized to enter into agreements with the other Northern Region States for the purpose of establishing seasons and possession limits governing the taking of spiny dogfish. Pursuant to the authority of Part III Section 3.2.1, the Division is further authorized to adjust season(s) and possession limits governing the taking of spiny dogfish as may be deemed necessary to comply with said agreements. The Division will consult with the Rhode Island state-water spiny dogfish fishers prior to negotiating the subject agreements.

## 2. Background on amendment:

The amendment to the Spiny Dogfish Management Plan [RI Marine Fishery regulation 7.15.(a)] established Division authority to enter into interstate agreements within the ASMFC Northern management region for purposes of managing the Northern quota in accordance with industry interests using seasonal closures and possession limit adjustments.

This amendment was first proposed at the RI Marine Fishery Council Groundfish & Federally Managed Species Advisory Panel meeting, where members worked to formulate proposals for the 2012 and 2013 commercial fishing seasons. There was consensus from the group to pursue a proposal for the 2013 fishing year that would “establish two sub-periods; spring and fall fishery in the Northern Region”. At the public hearing a comment was made by a commercial fisherman who had participated at the Groundfish AP meeting who indicated the Groundfish AP members had put a number of proposals together with hope they could maximize the use of this resource. He supported the Division proposed language to enter into cooperative management agreement with neighboring states and felt the short-term proposals proposed by the AP would be highly unlikely to get through for this fishing year. He also added that industry was aware that because of the timing it was unlikely that any of the proposals would be implemented for the 2012 fishing year.

The Division recommended that the Council endorse the concept of cooperative, New England "northern region" management because the current management was inadequate for Rhode Island needs, which are primary to have a spring and fall/winter fisher. It was not clear that a specific enabling regulation was needed but the Council should signal to the Director that more flexibility is needed. The Council supported the Division and voted unanimously to recommend adoption of amendments to the Spiny Dogfish Management Plan which would allow for more flexibility. This amendment was filed on 12/12/12.

Considering that (a) the Northern Region quota was not harvested and the fishery remained open for the entire 2012 fishing year, and (2) the quota for the 2013 fishing year increased, no regional agreements have been pursued by the Division of the upcoming 2013 fishing year.

## **V. Plan specific requirements**

- A. Number of spiny dogfish exempted fishing permits issued in the previous fishing year:  
None.
- B. Actual amount (in numbers of fish and pounds) collected under each exempted fishing permit: Not Applicable.
- C. Other pertinent information (i.e. sex, when and how the spiny dogfish were collected):  
Not Applicable.
- D. Number of exempted fishing permits issued for the current fishing year: None.

State of Connecticut  
Compliance Report for Spiny Dogfish  
July 1, 2013

**I. Introduction**

The Atlantic States Marine Fisheries Commission (ASMFC) requires states to submit an annual report by July 1 of each year to show compliance with the Fishery Management Plan for spiny dogfish. This document fulfills that compliance requirement. This report includes commercial and recreational fishery statistics, monitoring activities and management measures for 2012.

a. Summary of the year highlighting any significant changes in monitoring, regulations or harvest.

There were no significant changes in spiny dogfish monitoring efforts during 2012.

In accordance with the ASMFC plan, commercial trip limits were put in place during 2003 and modified by interim rule making in November 2006 and made final by regulation in March 2007 and modified again in 2009, 2010, 2011 and 2012 by interim rule making. During 2012, the commercial fishery trip limit in Connecticut was 3,000 pounds.

Commercial fishing regulations pertaining to spiny dogfish are specified in section 26-159a-19 of the Regulations of Connecticut State Agencies (Appendix I). Connecticut has no recreational spiny dogfish regulations.

**II. Request for *de minimus*, where applicable.**

N/A

**III. Previous calendar year's fishery and management program.**

a. Activity and results of fishery dependent monitoring.

All commercial fishermen submitted either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports (VTR) on a monthly basis. Connecticut Department of Energy and Environmental Protection (CT DEEP) Marine Fisheries Division (MFD) staff entered fishermen reports into the Connecticut Marine Fisheries Information System (MFIS) and starting in 2009, into the Standard Atlantic Fisheries Information System (SAFIS) and VTR data is downloaded as needed. Seafood dealers with a federal permit submitted their reports electronically to the National Marine Fisheries Service (NMFS) via SAFIS. Dealers with only state permits submitted reports to the CT DEEP and MFD staff entered the reports into SAFIS. Harvest was monitored by combining fishermen and dealer reports.

Recreational catch and harvest is monitored through the Marine Recreational Fisheries Statistics Survey (MRFSS). CT DEEP staff conducts the fisherman interview (intercept) portion of MRFSS, while the NMFS contractor conducts the telephone survey.



b. Activity and results of fishery independent monitoring.

Spiny dogfish abundance has been monitored in the Long Island Sound Trawl Survey since 1984. Spring (April, May and June) and fall (September and October) surveys are conducted each year.

Spiny dogfish are most consistently taken in the spring portion of the survey with between 0 and 123 fish caught per survey. Dogfish were more commonly taken in the early years of the survey (between 14 and 123 fish per survey from 1985 through 1991). Fewer than 10 fish per year were taken in 9 of the last 19 years. No spiny dogfish were taken during the spring survey in 1995, 1996 and 2000. The 2012 spring survey catch was 15 fish.

c. Copy of regulations that were in effect.

See Appendix 1.

d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses.

Preliminary 2012 landings calculated from the combined fisherman and dealer reports in SAFIS indicate that 97,212 pounds of spiny dogfish were landed commercially in Connecticut compared to the 2002 – 2010 average of 63,347 pounds (Table 1). The large increase in landings in the past four years was due to an increase in the possession limit (from 600 pounds to 3,000 pounds). In 2012, all spiny dogfish were taken by otter trawl. The fishery remained open throughout 2012.

Table 1. Commercial and recreational harvest and total recreational catch.

| Year | Commercial (pounds) | Recreational Harvest (A+B1) (numbers of fish) | Recreational Catch (A+B1+B2) (numbers of fish) |
|------|---------------------|---|--|
| 2002 | 5,698               | 175   | 393  |
| 2003 | 605                 | 2,728   | 13,682   |
| 2004 | 50,373              | 25  | 3,459  |
| 2005 | 83,970              | 0   | 55,042   |
| 2006 | 81,451              | 2,448   | 42,352   |
| 2007 | 22,763              | 1,364   | 10,454   |
| 2008 | 9,095               | 2,385   | 11,236   |
| 2009 | 91,860              | 260   | 6,587  |
| 2010 | 102,279             | 0   | 1,431  |
| 2011 | 185,357             | 12  | 25   |
| 2012 | 97,212              | 0   | 0  |

There are no estimates available for non-harvest losses in either fishery.

e. Review of progress in implementing habitat recommendations.

N/A

#### **IV. Planned management programs for the current calendar year.**

##### a. Summarize regulations that will be in effect (provide copy if different from IIIc).

The ASMFC Fishery Management Plan for Spiny Dogfish allocates the commercial quota between three regions. The northern region (Maine through Connecticut) is allocated 58% of the quota, the southern region (New York through Virginia) is allocated the 26% and North Carolina is allocated the remaining 16%. The trip limit is not to exceed 3,000 pounds until the quota allocated for the region been harvested, at which time the trip limit is reduced to zero pounds. Connecticut implemented, by interim rule making, a 3,000 pound trip limit for the commercial harvest of spiny dogfish for 2009 through 2012 (see Appendix 2). There are no recreational harvest limits.

##### b. Summarize monitoring programs that will be performed.

Commercial fishery spiny dogfish landings will continue to be monitored through the Connecticut MFIS and SAFIS. All fishermen submit either Commercial Fisheries Catch Logs or NMFS Fishing Vessel Trip Reports on a monthly basis. Seafood dealers submit monthly reports of purchases from fishermen on a variety of forms. Federally permitted dealers operating in Connecticut must report electronically to NMFS. Electronically reported data is available to the CT DEEP.

##### c. Highlight any changes from the previous year.

There were no changes in monitoring from the previous year.

#### **V. Plan specific requirements   None**

## **Appendix 1. Connecticut fishing regulations for spiny dogfish**

### **26-159a-19. Spiny Dogfish (*Squalus acanthius*)**

- (a) No holder of a commercial fishing or landing license or registration permitted to take spiny dogfish from the waters of this state or to land spiny dogfish in this state, regardless of where such fish are taken, shall take, possess or land spiny dogfish in this state in excess of the following possession limits that are based on the coastwide spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as the "Plan":
  - (1) between May 1 and October 31, 600 pounds;
  - (2) between November 1 and April 30, 600 pounds.
- (b) The possession limits specified in subsection (a) of this section shall apply to the aggregate of all persons on board the vessel per trip or per day which ever is the longer period of time. No person shall transfer spiny dogfish between vessels at sea.
- (c) When 100 percent of the quota specified in the plan is landed the possession limit shall be zero pounds.
- (d) The possession of spiny dogfish fins in the absence of the fish from which removed is prohibited.

Appendix 2. Connecticut fishing regulations for spiny dogfish for 2012, implemented by interim rule making. See Attached Declaration 12-07 & 12-16.



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

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### **Declaration of Regulation Change (12-07)**

Under authority of Section 26-159a of the Connecticut General Statutes and Section 26-159a-22 of the Regulations of Connecticut State Agencies, the Commissioner of Energy and Environmental Protection is authorized to establish or adjust, by declaration, closed seasons, length limits, creel limits, trip limits and trip limit adjustment values in order to comply with interstate fishery management plans (FMP) adopted by the Atlantic States Marine Fisheries Commission (ASMFC) or the U.S. Department of Commerce (DOC).

In accordance with the aforementioned authority, the following sections of Departmental regulations are amended as specified on pages 2 through 6 of this Declaration.

#### **Sec. 26-157c. Regulations governing the taking and possession of lobsters.**

26-157c-1. Taking lobsters – general

#### **Sec. 26-159a. Regulations concerning certain sport and commercial fishing in the marine district and possession of certain species.**

26-159a-8. Winter flounder

26-159a-10. Summer flounder (*Paralichthys dentatus*)

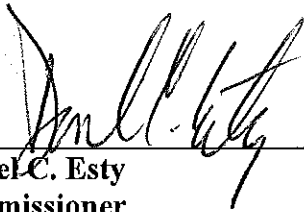
26-159a-15. Scup (porgy) (*Stenotomus chrysops*)

26-159a-16. Black sea bass (*Centropristis striata*)

26-159a-19. Spiny dogfish (*Squalus acanthius*)

(New Section) Smooth dogfish (*Mustelus canis*)

(New Section) Weakfish (*Cynoscion regalis*)

  
\_\_\_\_\_  
Daniel C. Esty  
Commissioner

4/17/12  
\_\_\_\_\_  
Date

## Declaration 12-07

### 26-157c-1. Taking lobsters – general

#### (a) Definitions

- (3) “Carapace length” means the length of a lobster as measured along the length of the carapace (body shell) parallel to the centerline from the rear end of the eye socket to the rear end of the carapace.
- (6) “LMA 6 minimum length” means a carapace length of [3-5/16] 3 3/8 inches.

### 26-159a-8. Winter flounder

The taking of winter flounder from the waters of this state during the period March 1 through April 14, by holders of a license or registration issued under authority of section 26-142a of the Connecticut General Statutes concerning the taking of finfish for commercial purposes is prohibited except as provided in section 26-142a-6(g). No bottom trawl gear other than fly net gear defined in 26-142a-6(g) shall be used during this period in the waters of this state.

#### (New subsection) Commercial Fishery Possession Limits

No person shall possess or land winter flounder taken by commercial fishing gear or for commercial purposes in excess of 50 pounds or 38 fish, except that a federally permitted vessel fishing exclusively outside the SNE/MA stock area and while in Connecticut waters having their fishing gear stowed such that it is not available for immediate use may possess and land more than 50 pounds or 38 fish. This possession limit shall apply to the aggregate of all persons on board the vessel per trip or per day, whichever is the longer period of time. Transfer of winter flounder between vessels at sea is prohibited.

Definitions. For the purposes of these regulations:

- 1) “SNE/MA stock area” means the state and federal waters of Southern New England and the mid-Atlantic bounded by the points identified in Attachment A.
- 2) “Not available for immediate use” means fishing gear that is shown not to have been in recent use and that is stowed in conformance with one of the following methods:
  - A) The net is stored below the main working deck from which it is deployed and retrieved; the towing wires, including the leg wires, are detached from the net; and the net is fan-folded (flaked) and bound around its circumference or;
  - B) The net is stored on deck and it is fan-folded (flaked) and bound around its circumference and securely fastened to the deck or rail of the vessel; and the towing wires, including the leg wires, are detached from the net or;
  - C) The net is on a reel, its entire surface is covered with canvas or other similar opaque material, and the canvas or other material is securely bound and the towing wires are detached from the net and the codend is removed and stored below deck.

### 26-159a-10. Summer flounder (*Paralichthys dentatus*)

#### (c) Commercial Fishery Possession Limit.

- (1) No holder of any commercial fishing or landing license or registration permitted to take summer flounder from the waters of this state or to land summer flounder in Connecticut, regardless of where such fish are taken, shall possess summer flounder in excess of the following possession limits that are based on

## Declaration 12-07

Connecticut's summer flounder quota specified in the Summer Flounder Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":

- (C) between May 1 and October 31, inclusive, ~~[75]~~ **150** pounds until a total of 97% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the limit shall be zero pounds until October 31;
- (NEW) Notwithstanding the provisions of subparagraph (C) of this subdivision, if from August 1 through October 31, inclusive, less than 95% of the Connecticut quota specified in the plan is projected to be landed in Connecticut by November 1, the commercial fishery possession limit shall be calculated as (Q / T / W), rounded to the nearest 50 pounds, where Q is the amount of Connecticut quota remaining and T is the projected number of fishing trips per week landing summer flounder and W is the number of weeks remaining until November 1 provided that when 97% of said Connecticut quota is projected to be landed in Connecticut, the possession limit shall be 50 pounds.

### 26-159a-15. Scup (porgy) (*Stenotomus chrysops*)

#### (c) Commercial Fishery Possession and Landing Limits.

- (1) No holder of any commercial fishing or landing license or registration permitted to take scup from the waters of this state or to land scup in Connecticut, regardless of where such fish are taken, shall possess or land scup in excess of the following possession or landing limits, respectively, that are based on the coastwide scup quota and Connecticut's scup quota as specified in the Scup Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":

- (C) Between May 1 and May 31:
  - (i) in the ~~[commercial hook]~~, pound net and gillnet fisheries, the possession limit shall be ~~[25]~~ **500** pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
  - (ii) in the **commercial hook**, bottom trawl and fish pot fisheries, the possession limit shall be ~~[50]~~ **1,000** pounds until 70% of said Connecticut quota has been landed, at which time the limit shall be zero pounds;
  - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (D) Between June 1 and August 31:
  - (i) in the ~~[commercial hook]~~, pound net and gillnet fisheries, the possession limit shall be ~~[100]~~ **500** pounds ~~[until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 25 pounds]~~

## Declaration 12-07

- until 70% of said Connecticut quota has been landed, at which time the limit shall be [~~zero~~] 100 pounds;
- (ii) in the commercial hook, bottom trawl and fish pot fisheries, the possession limit shall be [~~200~~] 1,000 pounds [~~until 40% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be 50 pounds~~] until 70% of said Connecticut quota has been landed, at which time the limit shall be [~~zero~~] 200 pounds;
  - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (E) Between September 1 and October 31:
- (i) in the [~~commercial hook~~], pound net and gillnet fisheries, the possession limit shall be [~~100~~] 500 pounds until 90% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be [~~25~~] 100 pounds;
  - (ii) in the commercial hook, bottom trawl and fish pot fisheries, the possession limit shall be [~~200~~] 1,000 pounds until 90% of the Connecticut quota specified in the plan has been landed in Connecticut, at which time the possession limit shall be [~~50~~] 200 pounds;
  - (iii) in the lobster pot fishery when in possession of lobsters, the possession limit shall be 10 fish.
- (F) Notwithstanding the provisions of subparagraphs (D) and (E) of this subdivision, if on or after August 1 [~~October 1~~], the Connecticut quota specified in the plan is projected not to be landed in Connecticut by the end of the quota period, the commercial fishery possession limit shall, for all gear types with the exception of lobster pots, be calculated as [~~(0.07 / W) \* Q~~] (Q / T / W), rounded [~~up~~] to the nearest 100 pounds, where Q is the amount of Connecticut quota remaining, T is the projected number of fishing trips per week landing scup and W is the number of weeks remaining in the quota period, [~~and Q is the amount of Connecticut quota remaining,~~] provided that when 98% of said Connecticut quota has been landed in Connecticut the possession limit shall be 100 pounds for all gear types with the exception of lobster pots. This formula shall be used for the scup fishery as of the effective date of this regulation, in lieu of the formula contained in section 26-159a-24 of the Regulations of Connecticut State Agencies.

### 26-159a-16. Black sea bass (*Centropristis striata*)

#### (c) Commercial Fishery Possession Limits.

- (1) No holder of a commercial fishing, finfish or landing license or registration permitted to take black sea bass from the waters of this state or to land black sea bass in Connecticut, regardless of where such fish are taken, shall possess black



## Declaration 12-07

sea bass in excess of the following possession limits that are based on Connecticut's black sea bass quota as specified in the Black Sea Bass Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as "the plan":

- (A) From January 1 to May 31, inclusive:
  - (i) in the commercial trawl fishery, [~~1,000~~] 200 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
  - (ii) in the fish pot fishery, 200 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
  - (iii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 45% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
  - (iv) in the lobster pot fishery when in possession of lobsters, 10 fish.
- (B) From June 1 to October 31, inclusive:
  - (i) in the bottom trawl and fish pot fisheries, 200 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
  - (ii) in the commercial hook, pound net, scallop dredge and gill net fisheries, 50 pounds until 90% of the Connecticut quota specified in the plan has been landed, at which time the limit shall be zero pounds;
  - (iii) in the lobster pot fishery when in possession of lobsters, 10 fish.

### 26-159a-19. Spiny dogfish (*Squalus acanthius*)

- (a) No holder of a commercial fishing or landing license or registration permitted to take spiny dogfish from the waters of this state or to land spiny dogfish in this state, regardless of where such fish are taken, shall take, possess or land spiny dogfish in this state in excess of the following possession limits that are based on the [~~eastwide~~] northern region spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as the "Plan":
  - (1) between May 1 and October 31, [~~600~~] 3,000 pounds;

### (New Section) Smooth Dogfish (*Mustelus canis*)

- (a) Commercial Fishery Possession Limits.
  - (1) No person shall possess or land smooth dogfish taken by commercial fishing gear or for commercial purposes, unless such person holds a federal commercial Atlantic smoothhound (smooth dogfish) permit.

### (New Section) Weakfish (*Cynoscion regalis*)

- (a) Commercial Fishery Possession Limits.



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### **Declaration of Regulation Change (12-16)**


Under authority of Section 26-159a of the Connecticut General Statutes and Section 26-159a-22 of the Regulations of Connecticut State Agencies, the Commissioner of Energy and Environmental Protection is authorized to establish or adjust, by declaration, closed seasons, length limits, creel limits, trip limits and trip limit adjustment values in order to comply with interstate fishery management plans (FMP) adopted by the Atlantic States Marine Fisheries Commission (ASMFC) or the U.S. Department of Commerce (DOC).

In accordance with the aforementioned authority, the Departmental regulations are amended as follows:

#### **26-159a-19. Spiny dogfish (*Squalus acanthius*)**

- (a) No holder of a commercial fishing or landing license or registration permitted to take spiny dogfish from the waters of this state or to land spiny dogfish in this state, regardless of where such fish are taken, shall take, possess or land spiny dogfish in this state in excess of the following possession limits that are based on the coastwide spiny dogfish quota as specified in the Spiny Dogfish Fishery Management Plan of the Atlantic States Marine Fisheries Commission, herein referred to as the "Plan":
  - (2) between November 1 and April 30, [600] **3,000** pounds.
- (b) The possession limits specified in subsection (a) of this section shall apply to the aggregate of all persons on board the vessel per trip or per day whichever is the longer period of time. No person shall transfer spiny dogfish between vessels at sea.
- (c) When 100 percent of the quota specified in the plan is landed the possession limit shall be zero pounds.
- (d) The possession of spiny dogfish fins in the absence of the fish from which removed is prohibited.

**(New Section) Smooth dogfish (*Mustelus canis*).** Declaration 12-15, prohibiting the possession or landing of smooth dogfish taken by commercial fishing methods or for commercial purposes is hereby rescinded.


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10/1/12  
**Daniel C. Esty** **Date**

# New York State Department of Environmental Conservation

## Division of Fish, Wildlife & Marine Resources

### Bureau of Marine Resources

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Joe Martens  
Commissioner

## New York's 2012 Annual Compliance Report to the Atlantic States Marine Fisheries Commission For Spiny Dogfish

### I. Introduction

Spiny dogfish are a small though significant New York commercial fishery. They are considered a nuisance for recreational fishers. During the past 10 years, spiny dogfish commercial landings have ranged from 14,660 pounds to 461,019 pounds. The average landings for the period are 151,479 pounds. This period includes many years when the spiny dogfish allowable harvest was severely curtailed. With recent increases in allowable harvest, NY landings have significantly increased. The average for the past three years, which is more reflective of the current fishery, is 377,040 pounds.

### II. Request for *de minimus* status

Not applicable

### III. Previous year's fishery management and management program

#### a. Fishery dependent monitoring

New York implemented mandatory state-level Vessel Trip Reporting (VTR) during 2003 for all state-level harvesters of finfish. The trip level data for 2011 are not available at this time; however, trip level data will be available for future reporting. New York's commercial harvest of spiny dogfish is reported in Table 1.

#### b. Fishery independent monitoring

None to report

#### c. Regulations in effect in 2012

New York's regulations are authorized under Section 13-0338 of the Environmental Conservation Law. This law provides for a prohibition on finning in New York's Marine and Coastal district; provides that no person shall possess shark fins, in the Marine and Coastal district of New York, unless proper proportion of species, number and size of shark carcasses is also possessed; and provides the department with the regulatory authority to fix by regulation measures for the management of sharks, including size limits, catch and possession limits, open and closed seasons, closed areas, restrictions on the manner of taking and landing, requirements for permits and eligibility therefor, record keeping requirements, requirements on the amount and

type of fishing effort and gear, and requirements relating to transportation, possession, and sale provided that such regulations are no less restrictive than requirements set forth in this chapter and provided further that such regulations are consistent with the compliance requirements of applicable fishery management plans adopted by the Atlantic States Marine Fishery Commission and with applicable provisions of fishery management plans adopted pursuant to the Federal Fishery Conservation and Management Act (16 U.S.C. Section 1800 et seq.). Pursuant to the adoption of the ASMFC Fishery Management Plan for Coastal Sharks, New York implemented regulations for 2009 to place it in full compliance with the Plan. Spiny dogfish are covered in part by these new regulations.

Older regulations (Part 40.1(v)) covering the spiny dogfish fishery were crafted to comply with the original fishery management plan for spiny dogfish and are, in part, obsolete. These regulations capture the intent of managing the fishery by period, which is still in place in federal waters but was replaced by regional management in 2008 (Addendum II), and for the fishing year beginning May 1, 2011 by state-specific quotas in the Southern Region (Addendum III). While obsolete, these regulations do not prevent the management of a state-based quota and therefore do not result in non-compliance with the FMP.

### **Actual text of NY regulations in place in 2012**

6NYCRR, Part 40.1 (v) - Spiny Dogfish commercial fishing - special regulations.

*(v) Spiny dogfish commercial fishing - special regulations.*

*(1) It is unlawful for any person to take spiny dogfish for commercial purposes without having in possession a valid New York State commercial food fish license.*

*(2) Harvest limits for spiny dogfish are based upon the Fishery Management Plan (FMP) for spiny dogfish as adopted and approved by the Regional Fishery Management Council pursuant to the Fishery Conservation and Management Act, 16 U.S.C. Section 1801, et seq. Quota, trip limits and directed fishery thresholds for the periods of May 1 through October 31, and November 1 to April 30 will be established by the National Marine Fisheries Service (NMFS). The department will establish trip limits and directed fishery thresholds within the periods consistent with those established by NMFS. Such trip limits and thresholds will be enforceable upon 72 hours written notice to license holders of the trip limit allowed per vessel for that time period. During periods of trip limits all spiny dogfish not being held alive must be held together in a separate container or containers readily available for inspection and may not be mixed with other species while on board any vessel.*

*(3) If the department determines that the maximum allowable harvest of spiny dogfish has been taken or will be taken by a date prior to the end of the applicable fishing period (either May 1 through October 31 or November 1 through April 30), then harvesting for commercial purposes and possession of spiny dogfish shall be prohibited as directed by the department upon 72 hours written notice to all commercial food fish license holders.*

*(4) If the department closes the period, but unanticipated events result in the quota not being landed by the projected date and at least one month remains in the time period, then the*

*department may reopen the period for a specified time and a specified trip limit up to the maximum allowed for that period upon 72 hours written notice to license holders. If less than a month remains in the time period, the remaining quota available from that period will be added to the next period in the same year.*

*(5) Fourteen days following the beginning of any period when commercial harvesting is prohibited it shall be unlawful to possess dogfish, or offer spiny dogfish for sale, trade, or barter except as permitted in subdivision 40.1 (e) of this Part.*

#### 6 NYCRR Part 40.1 (e) - Shipping, Labeling, Packing Requirements for Quota Managed Species

##### *(e) Shipping, Labeling and Packing Requirements for Quota Managed Species.*

*(1) It shall be unlawful for a New York Commercial Food Fish license holder to possess, ship, or transport, or cause to be shipped or transported, any container holding summer flounder, scup, black sea bass, bluefish, or spiny dogfish which has not been properly labeled at the point of landing in New York State. Such labels shall be at least two inches wide by four inches long of substantial water proof material and display the following information:*

*(i) the license holder's name;*

*(ii) the license holder's New York commercial Foodfish License number or New York commercial Foodfish Landing License number; and*

*(iii) the date landed.*

*(2) No person, including dealers, shippers, wholesalers and retailers, shall receive, store, possess, sell, offer for sale, transport, ship, or reship, or cause to be received, stored, possessed, sold, offered for sale, transported, shipped or reshipped, any New York landed summer flounder, scup, black sea bass, bluefish, or spiny dogfish, in containers that have not been properly labeled, pursuant to paragraph (1) of this subdivision.*

*(3) No person, including dealers, shippers, wholesalers and retailers, shall receive, store, possess, sell, offer for sale, transport, ship, or reship, or cause to be received, stored, possessed, sold, offered for sale, transported, shipped or reshipped, any summer flounder, scup, black sea bass, bluefish, or spiny dogfish lawfully taken in another state unless there is a complete bill of lading that accompanies such product and each container is marked with a label at least two inches wide and four inches long of substantial, water resistant material. Such label must indicate clearly:*

*(i) the state of origin;*

*(ii) the harvester's name, and permit number;*

*(iii) the date landed; and*

*(iv) the shipper's name.*

*All bills of lading shall be available for inspection by the department for a period of one (1) year from the date that such product was handled.*

*(4) Any summer flounder, scup, black sea bass, bluefish or spiny dogfish lawfully taken and landed in other states and shipped into New York for trade, barter or sale shall:*

*(i) meet New York's minimum total length requirements for such species; and*

*(ii) be from a state which authorizes reciprocal privileges for such species taken in New York.*

*(5) Nothing in this section shall prohibit the lawful transportation through the State of summer flounder, scup, black sea bass, bluefish, or spiny dogfish lawfully taken from waters*

*outside the state and destined for a state other than New York, provided that such fish remain in their original unopened container or containers, and such container or containers are accompanied by written documentation, bill of lading, or manifest of their origin.*

*(6) Fourteen days following the beginning of any period when commercial harvesting is prohibited, no person, including dealers, shippers, wholesalers and retailers, shall hold or store summer flounder, scup, black sea bass, bluefish or spiny dogfish for sale or resale for the duration of the period, except that fish lawfully landed during an open period for the species pursuant to this section, or summer flounder or scup taken between May 1 and October 31 by the holder of a summer flounder fixed gear permit (pound net/trap net only), may be held or stored for sale or resale, provided that:*

*(i) the fish are in containers labeled pursuant to paragraphs 1 and 3 of this subdivision; and*

*(ii) the facility in which the fish are stored maintains complete and accurate records indicating the origin of such fish, the dealer's and shipper's name, the location landed, and the date landed; and*

*(iii) the quantity of fish held for sale or resale is registered with the department upon storage during an open period for the species pursuant to this section; and*

*(iv) such storage facility maintains all records of purchases and disbursements of such product for a period of one year following such purchases and disbursements.*

*(7) Packing and repacking. No person shall pack or repack any summer flounder, scup, black sea bass, bluefish or spiny dogfish, or portions thereof, in containers which have not been properly labeled as provided in this subdivision. Any such summer flounder, scup, black sea bass, bluefish, or spiny dogfish subdivided or repacked shall be clearly labeled with the packer's and/or repacker's name, permit number, and all information contained on the original label as specified in paragraphs 1 and 3 of this subdivision.*

#### **6NYCRR 40.7 Coastal Sharks - open seasons, size and catch limits.**

*(a) "Purpose of this section." It is the intent of this section to promote the prudent management of coastal sharks that are landed in the State of New York. The provisions of this section shall define which sharks may be taken for commercial and recreational purposes and which sharks are prohibited from harvest. Size limits, possession limits, manner of taking and landing, gear restrictions open and closed seasons will also be specified in this section. The provisions in this section are designed to promote healthy self-sustaining populations of coastal sharks and provide for the sustainable use of the shark resource for the benefit of the residents of the State of New York.*

*(b) "Definitions." For the purposes of this section, the following definitions apply:*

*(1) "Circle hook" means a fishing hook originally designed and manufactured so that the point is turned perpendicularly back to the shank to form a generally circular, or oval, shape.*

*(2) "Eviscerate" means to remove the alimentary organs of a shark without removing the head.*

*(3) "Finning" means the removal of a fin or fins, other than the caudal fin, and not retaining the remainder of the shark's carcass (as specified in Environmental Conservation Law (ECL) 13-0338(1)(b)).*

(4) "Fork length" means that length measured in a straight line from the tip of the nose snout of the shark to the end of the middle caudal fin to the center of the fork of the tail of the shark.

(5) "Handline" means a main line to which not more than two gangions or hooks are attached. A handline is not retrieved by mechanical means and must be attached to, or in contact, with the vessel.

(6) "Land" or "landed" means the bringing of fish to shore or the transfer of the catch of fish taken from a vessel to any other vessel or in-water storage facility or to the land or to any pier, wharf, dock or other similar structure. When a vessel bearing fish has been tied, moored, or made fast to the land, to another vessel, to an in-water storage facility or to any pier, wharf, dock or similar structure, such fish shall be deemed as landed.

(7) "Large mesh gillnet" means a gillnet having a stretched mesh size equal to or greater than five inches.

(8) "Recreational angler" means any person engaged in fishing for sharks for personal use.

(9) "Shore angler" means any person engaged in any type of fishing that does not take place aboard a vessel.

(10) "Shortline" means a fishing line having 50 or fewer hooks and measuring less than 500 yards in total length.

(11) "Small mesh gillnet" means a gillnet having a stretched mesh size less than five inches.

(12) "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water except non-displacement craft and seaplanes.

(13) "Vessel fishing" means any fishing conducted from a vessel.

(c) "Recreational fishing."

(1) It shall be unlawful for any recreational angler to take, or to possess on the waters of the marine and coastal district, as defined in ECL section 13-0103, or the shores thereof, or anywhere inland from such shores, any shark species other than the following: Atlantic sharpnose ("Rhizoprionodon terraenovae"); blacknose ("Carcharhinus acronotus"); blacktip ("Carcharhinus limbatus"); blue ("Prionace glauca"); bonnethead ("Sphyrna tiburo"); bull ("Carcharhinus leucas"); common thresher ("Alopias vulpinus"); finetooth ("Carcharhinus isodon"); great hammerhead ("Sphyrna mokarran"); scalloped hammerhead ("Sphyrna lewini"); smooth hammerhead ("Sphyrna zygaena"); lemon ("Negaprion brevirostris"); nurse ("Ginglymostoma cirratum"); oceanic whitetip ("Carcharhinus longimanus"); porbeagle ("Lamna nasus"); shortfin mako ("Isurus oxyrinchus"); smooth dogfish ("Mustelus canis"); spiny dogfish ("Squalus acanthias"); spinner ("Carcharhinus brevipinna"); and tiger ("Galeocerdo cuvier").

(2) The minimum size limit for the shark species listed in (c)(1) shall be 54 inches fork length, except that there shall be no minimum size limit for Atlantic sharpnose, finetooth, blacknose, bonnethead, smooth dogfish and spiny dogfish.

- (3) It shall be unlawful for a recreational angler to take sharks using any means other than handlines retrieved by hand, not mechanical means, or by rod and reel.*
- (4) It shall be unlawful for a recreational angler to sell, trade or barter sharks or shark pieces.*
- (5) All sharks harvested by a recreational angler shall have heads, tails and fins attached naturally to the carcass through landing. Sharks may be eviscerated and bled by making a cut at the base of the tail fin as long as the tail fin is not removed.*
- (6) Catch limits.*
- (i) Shore anglers shall take or possess no more than one shark, regardless of species, from the list in (c)(1), except that*
- ("a") one additional Atlantic sharpnose may be taken and possessed; and*
- ("b") one additional bonnethead may be taken and possessed; and*
- ("c") there shall be no limit to the number of spiny dogfish and smooth dogfish that can be taken or possessed.*
- (ii) Recreational anglers fishing from a vessel shall take or possess no more than one shark, regardless of species, from the list in (c)(1) per vessel, except that*
- ("a") one additional Atlantic sharpnose may be taken and possessed per angler; and*
- ("b") one additional bonnethead may be taken and possessed per angler; and*
- ("c") there shall be no limit to the number of spiny dogfish and smooth dogfish that can be taken or possessed per angler.*
- (7) When aboard a vessel, a recreational angler is bound by the more restrictive vessel fishing limits described in (6)(ii) above, regardless of where the shark was caught.*
- (8) A shark that is transported aboard a vessel is considered as though caught by an angler on that vessel and is regulated under the more restrictive vessel fishing limits described in (6)(ii) above, regardless of where the shark was caught.*
- (d) "Commercial fishing."*
- (1) The commercial fishery for spiny dogfish is regulated under Part 40.1 of this Subchapter and is not regulated under this part.*
- (2) It is unlawful for any person to take, possess or land sharks listed in this section for commercial purposes without having in their possession a valid New York State commercial foodfish license.*
- (3) The commercial fishing year for sharks shall begin on January 1 and end on December 31. All annual specifications begin on January 1 of each fishing year.*
- (4) Shark groups. For the purposes of this section and consistency with federal rules and the fishery management plan for coastal sharks developed by the Atlantic States Marine Fisheries Commission, coastal sharks shall be classified as follows:*



(i) *Prohibited species*: Atlantic angel ("Squatina dumeril"); basking shark ("Cetorhinus maximus"); bigeye sand tiger shark ("Odontaspis noronhai"); bigeye thresher shark ("Alopias superciliosus"); bignose shark ("Carcharhinus altimus"); Caribbean sharpnose shark ("Rhizoprionodon porosus"); dusky shark ("Carcharhinus obscurus"); Galapagos shark ("Carcharhinus galapagensis"); longfin mako shark ("Isurus paucus"); narrowtooth shark ("Carcharhinus brachyurus"); night shark ("Carcharhinus signatus"); reef shark ("Carcharhinus perezii"); sand tiger shark ("Carcharias taurus"); sharpnose sevengill shark ("Heptrachias perlo")  
bigeye sixgill shark ("Hexanchus nakamurai"); bluntnose sixgill shark ("Hexanchus griseus")  
smalltail shark ("Carcharhinus porosus"); whale shark ("Rhincodon typus"); white shark ("Carcharodon carcharias");

(ii) *Research species*: sandbar ("Carcharhinus plumbeus");

(iii) *Smooth dogfish*: smooth dogfish ("Mustelus canis");

(iv) *Small coastal species*: Atlantic sharpnose shark ("Rhizoprionodon terraenovae"); blacknose shark ("Carcharhinus acronotus"); bonnethead shark ("Sphyrna tiburo"); finetooth shark ("Carcharhinus isodon");

(v) *Pelagic species*: blue shark ("Prionace glauca"); common thresher shark ("Alopias vulpinus"); oceanic whitetip shark ("Carcharhinus longimanus"); porbeagle shark ("Lamna nasus"); shortfin mako shark ("Isurus oxyrinchus"); and

(vi) *Non-sandbar large coastal species*: great hammerhead shark ("Sphyrna mokarran"); scalloped hammerhead shark ("Sphyrna lewini"); smooth hammerhead shark "Sphyrna zygaena"); lemon shark ("Negaprion brevirostris"); nurse shark ("Ginglymostoma cirratum"); silky shark ("Carcharhinus falciformis"); spinner shark ("Carcharhinus brevipinna"); tiger shark ("Galeocerdo cuvier").

(5) There is no closed season for the shark commercial fishery.

(6) No person shall take, possess or land any shark species listed in (4)(i) and (4)(ii) of this Part without first obtaining and possessing a valid special license in accordance with Part 175.

(7) There is no possession limit for sharks listed in (4)(iii), (4)(iv) and (4)(v) of this Part.

(8) No person shall take possess or land more than thirty-three sharks, regardless of species, listed in (4)(vi) of this Part, in any 24-hour period.

(9) Sharks harvested for commercial purposes shall be taken by the following methods and gears, only: rod and reel; handline, which shall be retrieved by hand, not mechanical means, and shall be attached to or in contact with a vessel; small mesh gillnet; large mesh gillnet; trawl; shortline; pound net; and weir. A maximum of two shortlines per vessel may be used. The use of any other gear to take sharks for commercial purposes is prohibited.

(10) *Bycatch reduction measures*. No person shall take, possess or land sharks using shortlines or large mesh gillnets without practicing the following bycatch reduction measures:

(i) All hooks attached to shortline gear must be corrodible circle hooks;

*(ii) All persons participating in the commercial shark fishery shall practice the protocols and possess the federally required release equipment for pelagic and bottom longlines for the safe handling, release and disentanglement of sea turtles and other non-target species;*

*(iii) All captains and vessel owners must be certified in using handling and release equipment through workshops offered by National Oceanic and Atmospheric Administration's National Marine Fisheries Service;*

*(iv) Large mesh gillnets shall be no longer than 2.5 kilometers (1.55 miles).*

*(11) No person shall possess or land a shark listed in this section without the tails and fins naturally attached to the carcass. 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. Finning is prohibited. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.*

*(12) Quotas, trip limits and directed fishery thresholds may be set by the Atlantic States Marine Fisheries Commission Spiny Dogfish & Coast Sharks Management Board (Sharks Board) for the smooth dogfish, small coastal, non-sandbar large coastal and pelagic species groups for each commercial fishing year. The department will establish trip limits and directed fishery thresholds within the fishing year consistent with those established by the Sharks Board. Such trip limits and thresholds will be enforceable upon 72 hours notice to license holders of the vessel trip limit allowed.*

*(13) If the department determines that the maximum allowable harvest of sharks covered by (12) has been taken or is projected to be taken before the end of the fishing year, the department may prohibit the take and possession of a shark species for commercial purposes upon 72 hours notice to license holders.*

*(14) If the department closes a fishery, but determines that the quota will not be harvested by the projected date, then the department may reopen the fishery for a specified time at a specified trip limit up to the maximum allowed upon 72 hours notice to license holders.*

*(15) No person shall take, possess or land sharks listed in (4) for commercial purposes when the federal commercial fishery for that species is closed.*

*(16) No harvester shall sell sharks taken in state waters for commercial purposes except to a holder of a federal Commercial Shark Dealer Permit. A Federal Commercial Shark Dealer Permit shall be required to buy and sell sharks taken in state waters.*

#### **d. Harvest**

The federal fishing year for spiny dogfish runs from May 1 through April 30. In 2012, the federal and state quotas were synchronized so that the specifications for the 2012/13 fishing year were the same for both federal and state. New York's allocated commercial quota of spiny dogfish is 2.707% of the coast-wide quota. For 2011/12, the coastwide quota was 30 million pounds. In 2012/13, this was increased to 35.694 million pounds, making New York's allocation rise to 966,237 pounds. According to data available from the NMFS and ACCSP's Data Warehouse, New York's commercial harvest of spiny dogfish is as follows:

**Table 1. New York's Spiny Dogfish Landings 2003 through 2012**

| Year | New York Landings | Total Coastal Landings | Percent of Total Landings |
|------|-------------------|------------------------|---------------------------|
| 2003 | 38,356            | 2,342,429              | 1.64                      |
| 2004 | 44,416            | 2,216,491              | 2.00                      |
| 2005 | 47,320            | 2,293,671              | 2.00                      |
| 2006 | 14,660            | 6,462,371              | 0.23                      |
| 2007 | 24,669            | 7,462,813              | 0.33                      |
| 2008 | 21,372            | 8,187,659              | 0.26                      |
| 2009 | 192,875           | 11,401,681             | 1.69                      |
| 2010 | 365,733           | 12,694,714             | 2.88                      |
| 2011 | 461,019           | 21,550,886             | 2.14                      |
| 2012 | 304,370           | 23,416,769             | 1.30                      |

New York's recreational catch and harvest of spiny dogfish are reported here:

**Table 2. New York's Spiny Dogfish Recreational Catch and Harvest**

| Year | Total catch<br>(A + B1 + B2) | PSE  | Harvest<br>(A + B1) | PSE   |
|------|------------------------------|------|---------------------|-------|
| 2003 | 34,475                       | 32.3 | 940                 | 81.9  |
| 2004 | 55,591                       | 50.6 | 0                   | -     |
| 2005 | 41,369                       | 65.4 | 0                   | -     |
| 2006 | 34,865                       | 45.3 | 149                 | 91.3  |
| 2007 | 29,118                       | 47.6 | 0                   | -     |
| 2008 | 14,067                       | 38.6 | 596                 | 100.7 |
| 2009 | 26,910                       | 67.1 | 0                   | -     |
| 2010 | 2,501                        | 60.1 | 0                   | -     |
| 2011 | 5,460                        | 51.7 | 0                   | -     |
| 2012 | 37,501                       | 88.9 | 0                   | -     |

**e. Habitat recommendations**

None

**IV. Planned management programs for the current fishing year.**

**a. Summarized regulations for 2013 fishing year**

The regulations listed above will remain in effect for 2013.

**b. Summarized monitoring programs**

No changes are planned.

**c. Changes from the previous year**

None

**V. Plan specific requirements.**

New York has no plan specific requirements to report and has not undertaken or approved any exempted fishing permits for spiny dogfish.

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# NEW JERSEY SPINY DOGFISH COMPLIANCE REPORT

2012 Fishing Year



NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF FISH AND WILDLIFE  
MARINE FISHERIES ADMINISTRATION

Submitted by:  
Russell M. Babb  
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Submitted to:  
*Atlantic States Marine Fisheries Commission  
as a Requirement of the Interstate Fisheries  
Management Plan for Spiny Dogfish*

June 2013

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## **New Jersey Spiny Dogfish Management Program for 2012**

### **1. Commercial Fishery**

#### Regulations

Any person in New Jersey possessing dogfish for sale or attempting to sell dogfish must have a valid federally issued Spiny Dogfish Permit. Such a permit obligates New Jersey fishermen to adhere to all federal regulations including seasons, trip limits, etc. In addition, New Jersey fishermen having a valid federal Spiny Dogfish Permit may only sell to federally permitted dealers. Therefore, any closures in the spiny dogfish fishery in federal waters due to regulated quotas, automatically closes State waters. See attached copy of N.J.A.C. 7:25-18.12(g).

Additionally, see attached N.J.A.C. 7:25-18.1 (e)1 which states that fins shall not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed.

#### Commercial Harvest

The reported commercial landings of spiny dogfish in New Jersey for 2012 totaled 1,531,089 (1,986,804 pounds in 2011). Historical commercial landings of spiny dogfish in New Jersey (1994 – 2012) are listed in Table 2.

Table 1 omitted due to confidentiality issues.

Table 2. Spiny Dogfish Total Commercial Landings

| Year | Total Landings (lbs) |
|------|----------------------|
| 1994 | 472,628              |
| 1995 | 674,173              |
| 1996 | 825,414              |
| 1997 | 2,918,107            |
| 1998 | 4,918,294            |
| 1999 | 3,922,917            |
| 2000 | 5,222,164            |
| 2001 | 17,149               |
| 2002 | 0                    |
| 2003 | 0                    |
| 2004 | 3,700                |
| 2005 | 0                    |
| 2006 | 100                  |
| 2007 | 11,068               |
| 2008 | 50,359               |
| 2009 | 1,341,577            |
| 2010 | 765,914              |
| 2011 | 1,986,804            |
| 2012 | 1,531,089            |

**2. Recreational Fishery**

There are no minimum size, season, or possession limits for the recreational spiny dogfish fishery. However, N.J.A.C. 7:25-18.1(e)1, which prohibits the finning of sharks and dogfish, applies to the recreational fishery as well.

**3. Fishery Independent Monitoring Program**

There are currently no fishery independent monitoring programs in New Jersey specific to the spiny dogfish. However, all spiny dogfish collected during the Department's ocean trawl survey are weighed, measured and sexed (sexed since 2007). The Department conducts five nearshore (within 12 nautical miles) trawl surveys each year. These surveys occur in January/February, April, June, August, and October. All species taken during these surveys are weighed and measured. Catch per unit effort (cpue) in number of fish per tow and biomass (kilograms) per tow is calculated each year.

As part of the Ocean Trawl survey, a total of 1,680 individual spiny dogfish were collected during the months of January and April. Collected spiny dogfish had a total weight of 4,562 kg and an average length of 82.3 cm.

The survey uses a stratified random sampling design to collect trawl data from state coastal waters. The survey area includes only waters adjacent to the New Jersey coastline. Trawl samples are collected with a three-in-one trawl, which is a two-seam trawl constructed of polyethylene twine with forward netting (wings, belly) of 12 cm (4.7 in.) stretch mesh and rear netting of 8 cm (3.1 in.) stretch mesh. The codend is 7.6 cm stretch mesh (3.0 in.) and is lined with 6.4 mm (0.25 in.) bar mesh liner. The headrope is 25 m (82 ft.) long and the footrope is 30.5 m (100 ft.) long. The trawl bridle is 120 ft. long, the top leg consisting of 0.5 in. wire rope and the bottom leg comprised of 0.75 in. wire rope covered with 2 3/8 in. rubber cookies. A 60 ft. groundwire, also made of 0.75 in. wire rope covered with 2 3/8 in. rubber cookies, extends between the bridle and trawl doors. The trawl doors are wooden with steel shoes, 8 ft. x 4 ft. 2 in., and weigh approximately 1,000 lbs. each.

Trawl samples are collected by towing the net for 20 minutes, timed from the moment the winch brakes are set to stop the deployment of tow wire to the beginning of haulback. Target towing speed is 2.5 – 3.0 knots, or about 2.8 knots. A 20-minute tow generally covers about one nautical mile. Following haulback, the catch is dumped into a 4 x 8 ft. sorting table where fishes and macroinvertebrates are sorted by species into plastic buckets and wire fish baskets. The total weight of each species is measured with hanging metric scales and the length of all individuals comprising each species caught, or a representative sample by weight for large catches is measured to the nearest centimeter (cm).

Table 2. Spiny dogfish collected in New Jersey’s fishery independent monitoring (Ocean Trawl Survey).

| <b>Spiny Dogfish<br/>By Month / Cruise</b> | <b>Total<br/>No.</b> | <b>Total<br/>Weight<br/>(kg)</b> | <b>Avg.<br/>Length<br/>(cm)</b> |
|--|----------------------|----------------------------------|---------------------------------|
| January                                    | 779                  | 2,038.36                         | 81.0                            |
| April                                      | 901                  | 2,523.71                         | 83.6                            |

## **New Jersey Spiny Dogfish Management Program for 2012**

All management measures cited above and attached to this compliance report will remain unchanged in 2013. In 2008, New Jersey had been in the process of proposing regulations for the 2009 season that would have included a commercial attended gill net fishery for spiny dogfish. The proposed changes to the regulations, as described in the Department’s 2008 Compliance Report to ASMFC, will not be adopted during the 2013 season.





minimum length, measured in inches, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section. Any commercially licensed vessel or person shall be presumed to possess the following species for sale purposes and shall comply with the minimum sizes below. Fish length shall be measured from the tip of the snout to the tip of the tail (total length), except as noted below.

| Species                                   | Minimum Size (inches) |
|---|-----------------------|
| American Eel                              | 6                     |
| Atlantic Cod                              | 21                    |
| Atlantic Croaker                          | No Limit              |
| Atlantic Mackerel                         | 7                     |
| Black Drum                                | 16                    |
| Black Sea Bass                            | 11                    |
| Bluefish                                  | 9                     |
| Cobia                                     | 37                    |
| Conch                                     | 5                     |
| Goosefish (Monkfish)                      | 17                    |
| Haddock                                   | 21                    |
| Kingfish                                  | 8                     |
| King Mackerel                             | 23                    |
| Pollock                                   | 19                    |
| Red Drum                                  | 18                    |
| River herring (Alewife, blueback herring) | No Limit              |
| Scup (Porgy)                              | 9                     |
| Shad                                      | No Limit              |
| Shark                                     | 48                    |
| Spanish Mackerel                          | 14                    |
| Summer Flounder                           | 14                    |
| Tautog (Blackfish)                        | 14                    |
| Weakfish                                  | 13                    |
| Winter Flounder                           | 12                    |

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. In addition to the total minimum goosefish size, all goosefish tails possessed must be at least 11 inches in length from the anterior portion of the fourth cephalic dorsal spine to the end of the caudal fin. The total weight of all goosefish livers landed shall not be more than 30 percent of the total weight of all goosefish tails landed or 12 percent of the total weight of all goosefish landed.

3. A person shall not take in any one day or possess more than the possession limit specified below for each species listed, except as may be provided elsewhere in this subchapter, and subject to the specific provisions of any such section.

| Species  | Possession Limit          |
|----------|---------------------------|
| Cobia    | 2                         |
| Red Drum | 1, no more than 27 inches |

(c) A person angling with a hand line or with a rod and line or using a bait net or spearfishing shall not have in his or her possession any species listed below less than the minimum length, nor shall such person take in any one day or possess more than the possession limits as provided below, nor shall such person possess any species listed below during the closed season for that species. Exceptions to this section

as may be provided elsewhere in this subchapter shall be subject to the specific provisions of any such section. Fish length shall measure from the tip of the snout to the tip of the tail (total length), except as noted below:

| Species                                   | Minimum Size In Inches | Open Season  | Possession Limit              |
|---|------------------------|--|-------------------------------|
| American Eel                              | 6                      | Jan. 1—Dec. 31                                     | 50                            |
| Atlantic Cod                              | 21                     | Jan. 1—Dec. 31                                     | No Limit                      |
| Atlantic Croaker                          | No Limit               | Jan. 1—Dec. 31                                     | No Limit                      |
| Black Sea Bass                            | 12                     | Jan. 1—Dec. 31                                     | 25                            |
| Bluefish                                  | No Limit               | Jan. 1—Dec. 31                                     | 15                            |
| Cobia                                     | 37                     | Jan. 1—Dec. 31                                     | 2                             |
| Haddock                                   | 21                     | Jan. 1—Dec. 31                                     | No Limit                      |
| Kingfish                                  | No Limit               | Jan. 1—Dec. 31                                     | No Limit                      |
| King Mackerel                             | 23                     | Jan. 1—Dec. 31                                     | 3                             |
| Pollock                                   | 19                     | Jan. 1—Dec. 31                                     | No Limit                      |
| Red Drum                                  | 18                     | Jan. 1—Dec. 31                                     | 1, not greater than 27 inches |
| River herring (Alewife, blueback herring) | No Limit               | Jan. 1—Dec. 31                                     | 35                            |
| Scup (Porgy)                              | 9                      | Jan. 1—Feb. 28 and July 1—Dec. 31                  | 50                            |
| Shad                                      | No Limit               | Jan. 1—Dec. 31                                     | 6                             |
| Shark                                     | 48                     | Jan. 1—Dec. 31                                     | 2 per vessel                  |
| Spanish Mackerel                          | 14                     | Jan. 1—Dec. 31                                     | 10                            |
| Summer Flounder (Fluke)                   | 16½                    | May 7—Oct. 10                                      | 8                             |
| Striped Bass                              |                        | refer to N.J.S.A. 23:5-45.1                        |                               |
| Tautog                                    | 14                     | Jan. 1—May 31<br>Jun. 1—Nov. 14<br>Nov. 15—Dec. 31 | 4<br>1<br>8                   |
| Weakfish                                  | 13                     | Jan. 1—Dec. 31                                     | 8                             |
| Winter Flounder                           | 12                     | March 23—May 21                                    | 10                            |

1. Total length for black sea bass shall be measured along the midline from the tip of the snout to the end of the central portion of the tail, not to include tail filaments.

2. The possession limit for shark, as listed at (a) above, shall be as enumerated at (c) above on a per vessel basis regardless of the number of individuals on board said vessel. If a person is fishing from shore or a land based structure, the possession limit shall be as enumerated at (c) above on a per person basis.

3. Anglers may take no more than 50 eels per day; however, anglers may keep more than 50 eels in storage for personal use, provided they possess no more than 50 eels per person for bait purposes while fishing.

(d) A person shall not take, possess, land, purchase, sell or offer for sale any of the following species:

| Species                 | Scientific Name             |
|-------------------------|-----------------------------|
| Atlantic Sturgeon       | <i>Acipenser oxyrinchus</i> |
| Basking Shark           | <i>Cetorhinidae maximus</i> |
| Bigeye Sand Tiger Shark | <i>Odontaspis noronhai</i>  |
| Sand Tiger Shark        | <i>Odontaspis taurus</i>    |

|                    |                        |
|--------------------|------------------------|
| Shortnose Sturgeon | Acipenser brevirostrum |
| Whale Shark        | Rhincodon typus        |
| White Shark        | Carcharodon carcharias |

(e) Except as provided in (f) below, a person shall not remove the head, tail or skin, or otherwise mutilate to the extent that its length or species cannot be determined, any species with a minimum size limit specified at (b) or (c) above or any other species of flatfish, or possess such mutilated fish, except after fishing has ceased and such species have been landed to any ramp, pier, wharf or dock or other shore feature where it may be inspected for compliance with the appropriate size limit.

1. A shark may be eviscerated and the head and tail removed prior to landing, provided that the alternate length as measured from the origin of the first dorsal fin to the precaudal pit (located just forward of the origin of the upper lobe of the caudal or tail fin) is not less than 23 inches in length. The fins may not be removed from a shark or dogfish, except after fishing has ceased and such shark or dogfish has been landed as specified in (e) above.

(f) Special provisions applicable to a Special Fillet Permit are as follows:

1. A party boat owner may apply to the Commissioner for a permit for a specific vessel, known as a Special Fillet Permit to fillet species specified at (c) above at sea;

2. For purposes of this section, party boats are defined as vessels that can accommodate 15 or more passengers as indicated on the Certificate of Inspection issued by the United States Coast Guard for daily hire for the purpose of recreational fishing;

3. The Special Fillet Permit shall be subject to the following conditions:

i. Once fishing commences, no parts or carcasses of any species specified in (c) above and no flatfish parts or carcasses shall be discarded overboard; of the species specified at (c) above, only whole live fish may be returned to the water;

ii. No carcasses of any flatfish or species listed at (c) above shall be mutilated to the extent that its length or species cannot be determined;

iii. All fish carcasses of species specified at (c) above shall be retained until such time as the vessel has docked and been secured at the end of the fishing trip adequate to provide a law enforcement officer access to inspect the vessel and catch;

iv. No fillet of any flounder or other flatfish shall be less than eight inches in length during the period of May 1 through October 31 or less than five inches in length during the period of November 1 through April 30;

v. No fillet of any species listed below shall have the skin removed and no fillet shall be less than the minimum length in inches specified below.

| Species          | Minimum Fillet or Part Length |
|------------------|-------------------------------|
| Atlantic Cod     | 14 inches                     |
| Atlantic Croaker | No Limit                      |
| Black Drum       | 9 inches                      |
| Black Sea Bass   | 5 inches                      |
| Bluefish         | No Limit                      |
| Cobia            | 26 inches                     |
| Haddock          | 14 inches                     |
| Kingfish         | No Limit                      |
| King Mackerel    | 16 inches                     |
| Pollock          | 13 inches                     |
| Red Drum         | 13 inches                     |
| Scup             | 4 inches                      |
| Spanish Mackerel | 10 inches                     |
| Tautog           | 7 inches                      |
| Weakfish         | 9 inches                      |

vi. Fish carcasses from the previous trip shall be disposed of prior to commencing fishing on a subsequent trip;

vii. Violation of any of the provisions of the Special Fillet Permit shall subject the captain and permit holder to the penalties established pursuant to N.J.S.A. 23:2B-14 and shall result in a suspension or revocation, applicable to both the vessel and the owner of the Special Fillet Permit according to the following schedule:

(1) First offense: 60 days suspension;

(2) Second offense: 120 days suspension; and

(3) Third offense: Revocation of permit, rendering the vessel and the owner not eligible for permit renewal regardless of vessel ownership.

viii. In calculating the period of suspension or revocation applicable under (f)3vii above, the number of previous suspensions shall be reduced by one for each three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

ix. Upon receipt of the notice of suspension but prior to the suspension or revocation of the Special Fillet Permit, the permittee has 20 days to request a hearing from the Department. The hearing shall be conducted pursuant to the Administrative Procedure Act, N.J.S.A.

52:14B-1 et seq. and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1.1. If a request for a hearing is not received by the Department within 20 days of the permittee's receipt of the notice of suspension, the permit suspension or revocation will be effective on the date indicated in such notice.

(g) Any person violating the provisions of (b), (c), (d), (e) or (f) above shall be liable to a penalty of \$30.00 for each fish taken or possessed. Each fish taken or possessed shall constitute an additional separate and distinct offense.

(h) A person shall not take, attempt to take or have in his or her possession any striped bass or striped bass hybrids, as defined in (i) below, while on or angling in the Delaware River or its tributaries from the upstream side of the U.S. Route 1 Bridge to and including the Salem River and its tributaries from April 1 through May 31 of each year, or from any waters of the State, except the Atlantic Ocean, from January 1 through February 28 of each year as set forth in N.J.S.A. 23:5-45.2.

1. Hook and line fishermen are hereby restricted to the use of non-offset circle hooks while fishing with any natural bait within the Delaware River or its tributaries from April 1 through May 31 of each year. This restriction shall apply only to hooks of size two and larger and shall not apply to hooks of smaller sizes (such as those normally used for white perch fishing).

(i) Except for the products of commercial aquaculture, no person shall take from the marine waters in this State or have in his or her possession while on or angling in the marine waters of this State any striped bass hybrids, being hybrids of the *Morone* genus, less than the striped bass minimum size limits established pursuant to N.J.S.A. 23:5-45.1.

1. For the purposes of this section, commercial aquaculture shall mean the culture or husbandry of striped bass hybrids in non-wild systems for the purpose of egg and larval production and/or increasing size.

2. For the purposes of this section, parents of striped bass hybrids shall include *Morone saxatilis* (striped bass), *M. chrysops* (white bass), *M. americana* (white perch), and *M. mississippiensis* (yellow bass).

(j) Except for striped bass hybrids that are the products of commercial aquaculture, a person shall not possess more than the possession limit or less than the minimum size limits established pursuant to N.J.S.A. 23:5-45.1, whether striped bass or striped bass hybrid, while on or angling in the marine waters of this State.

(k) A person shall not remove the head, tail or skin from any striped bass hybrid except immediately prior to preparation or serving as food.

(l) All hybrid striped bass which are the products of commercial aquaculture shall be accompanied by accurate

and dated documentation of quantity, original description and destination.

(m) Wanton waste of fish is prohibited.

1. Fish of any species, taken by any means, which are purposely killed shall become part of the fisherman's daily possession limit and shall be removed from the waters from which they were taken and from adjacent lands. This subsection shall not apply to those fish which are released while still alive and subsequently die or to those fish taken inadvertently by net (bycatch) and subsequently die.

(n) Any person violating the provisions of (h) through (l) above shall be liable for a penalty of \$100.00 for each fish taken or possessed. Each fish taken or possessed shall constitute a separate and distinct offense.

(o) The following provision is applicable to the recreational harvest of bluefish.

1. Any party/charter vessel carrying recreational fishermen for hire to fish for bluefish shall have a valid Federal party/charter vessel permit.

(p) The Commissioner, with the approval of the New Jersey Marine Fisheries Council, may modify the fishing seasons, minimum size limits and possession limits specified in this section by notice in order to maintain and/or to come into compliance with any fishery management plan approved by the Atlantic States Marine Fisheries Commission pursuant to 16 U.S.C. § 5104(b). The Department shall publish notice of any such modification in the New Jersey Fish and Wildlife Digest and the New Jersey Register, and shall submit a news release to individuals on the Division outdoor writers' mailing list.

(q) All persons aboard any fishing vessel subject to this rule shall immediately comply with instructions and signals issued by a conservation officer, a marine police officer or other law enforcement officer to facilitate safe boarding and inspection of the vessel, its gear, equipment, and catch for the purpose of enforcement of this rule.

(r) Pursuant to N.J.S.A. 23:10-21 and 21.1, any gear used in the violating of the provisions of this subchapter may be seized and forfeited to the Division.

Amended by R.1990 d.607, effective December 3, 1990.  
See: 22 N.J.R. 3078(a), 22 N.J.R. 3628(b).

Added new (e) through (h), redesignated existing (e) as (i).

Amended by R.1991 d.132, effective March 18, 1991.

See: 23 N.J.R. 37(a), 23 N.J.R. 848(b).

Size limit for marine fish changed in (a). Added (f), (g), (h), (i) and (j).

Amended by R.1991 d.348, effective July 1, 1991.

See: 23 N.J.R. 43(a), 23 N.J.R. 2011(a).

Deleted "winter flounder measuring less than six inches in length, or measuring less than 13 inches in length" with stylistic changes in (a). Added "winter flounder under 10 inches in length, or red drum under 14 inches in length" with stylistic changes in (b). Added (d). Redesignated (d) as (e); added reference to "(d)". Redesignated (e)-(n) as (f)-(o).

Amended by R.1992 d.143, effective March 16, 1992.

three-year period in which the permit holder does not commit any other violation subject to this subsection, provided, however, that if more than one suspension is imposed within a three-year period, only one of those suspensions may be forgiven under this subparagraph; therefore, a permit holder who incurs more than one suspension in a three-year period shall not be considered a first offender under this subsection regardless of the length of any subsequent period without violation. The reduction in suspensions provided in this subparagraph applies only to determination of suspension periods; all prior suspensions shall be taken into account in calculating monetary penalties in accordance with N.J.S.A. 23:2B-14.

iii. Prior to the suspension or revocation of the permit, the permittee shall have the opportunity to request a hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and 52:14F-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

(f) The following provisions are applicable to the commercial harvest of black drum:

1. A vessel shall not possess or land by any gear more than 10,000 pounds of black drum in any one day;
2. A dealer shall not accept from a vessel or person more than 10,000 pounds of black drum a day landed in New Jersey;
3. The annual black drum harvest quota for New Jersey shall be 65,000 pounds; and
4. The Commissioner, or his or her designee, may close the season upon two days public notice of the projected date the quota shall be landed. Such notice shall be sent by first class mail to all commercial docks and commercial fishing organizations on the mailing list of the Division of Fish and Wildlife.

(g) The following provisions are applicable to the commercial harvest of spiny dogfish:

1. A person or vessel shall not possess for sale any spiny dogfish nor shall a person sell or attempt to sell spiny dogfish without a valid annual vessel permit for spiny dogfish issued by the National Marine Fisheries Service.
2. A dealer shall not purchase or receive spiny dogfish without a valid annual dealer permit for spiny dogfish issued by the National Marine Fisheries Service.
3. No person or vessel shall have in possession or land and no dealer shall accept from any one vessel more than the daily trip limit set by the National Marine Fisheries Service or the Atlantic State Marine Fisheries Commission.
4. Any closure of the spiny dogfish fishery by the National Marine Fisheries Service in adjacent Federal waters or recommended closure by the Atlantic States

Marine Fisheries Commission for areas including New Jersey automatically closes New Jersey waters to the harvest of spiny dogfish and to the commercial landings of spiny dogfish.

(h) The following provisions are applicable to the commercial harvest of black sea bass:

1. After December 31, 2002, a vessel shall not land more than 100 pounds of black sea bass during the period of January 1 through March 31 or more than 50 pounds of black sea bass during the period April 1 through December 31 in New Jersey on any one trip unless said vessel is in possession of a valid New Jersey Black Sea Bass Permit. The permit shall be issued in the name of the vessel and the owner and for the specific gear type(s) used to qualify for the permit.

i. Applicants for a New Jersey Black Sea Bass Permit shall complete and submit an application provided by the Department by December 31, 2002 that includes information on name, address, vessel name, vessel documentation or registration number, gear and landings criteria as specified in (h)1ii below. Applications for a New Jersey Black Sea Bass Permit received after the above date shall be denied.

ii. To be eligible for a New Jersey Black Sea Bass Permit, the vessel's owner shall meet the following criteria:

- (1) The vessel shall have landed and sold a minimum cumulative total of 10,000 pounds of black sea bass in New Jersey during the period 1988 through May 3, 2001;
- (2) The vessel shall have possessed a valid Federal Black Sea Bass Moratorium Permit or appropriate New Jersey gear license for each year of submitted landings documentation; and

(3) Documented proof of landings shall consist of one or more of the following:

- (A) Weigh-out slips totaling the weight harvested;
- (B) A notarized statement from the applicant and the purchaser(s) attesting to the weight harvested (a copy of the business records supporting the statement(s) must accompany the application);
- (C) Other documentation similar to that in (h)1ii(3)(A) or (B) above may be accepted at the discretion of the Commissioner after his or her review.

2. The New Jersey Black Sea Bass Permit shall be on board the vessel to which it is issued at all times. The permit is valid from the date of issuance and for any subsequent years unless revoked as part of a penalty action.



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## State of Delaware Spiny Dogfish Annual Compliance Report July 1, 2013

### I. Introduction

In 2007, Delaware revised the spiny dogfish state regulations and re-opened the spiny dogfish commercial fishery. In 2011, Addendum III established individual state quotas for the southern region. Delaware was allocated 272,215 pounds. Delaware landed 12,654 pounds of its quota, as reported through fisherman logbooks. Delaware also transferred 100,000 pounds of its quota to Maryland. The Marine Recreational Information Program (MRIP) reported that 103 spiny dogfish sharks weighing 728 lbs. were harvested in Delaware in 2012 (catch types A+B1). Spiny dogfish are typically only present in Delaware waters during the colder months of the year (late fall, winter, and spring) when fishing effort is usually low. All of the recreational harvest occurred in Wave 6 (Nov. – Dec.). There is always the possibility that there was some misidentification of smooth dogfish as spiny dogfish. In previous years, the MRIP aggregated spiny dogfish and smooth dogfish landings for Delaware.

### II. Request for *de minimis*

On December 12, 2002 Delaware first applied for and subsequently received permission to be classified as *de minimis* for purposes of compliance with the Spiny Dogfish Plan. Commercial landings for Delaware in 2012 were less than 1% of the coast-wide commercial total with 12,654 pounds reported. Delaware hereby requests that this *de minimis* classification continue through the present harvesting season.

### III. Previous calendar year's fishery and management program

#### a. Activity and results of fishery dependent monitoring

Commercial fishery landings statistics are compiled from mandatory, fisherman-reported, monthly logbook submitted to the State of Delaware. . Recreational fishery



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statistics are estimated by the MRIP of the National Oceanic and Atmospheric Administration. There was no biological sampling in 2012.

b. Activity and results of fishery independent monitoring

Delaware has two fisheries independent trawl surveys that have the potential for taking spiny dogfish. The Adult Finfish Survey used a 30-foot bottom trawl and to monthly sample nine fixed stations in Delaware Bay from March through December in 2012. This survey has been conducted annually since 1990, and before that from 1966-1971 and 1979-1984 using essentially the same gear type. Ninety three spiny dogfish were taken in 2012 during 90 tows. Most of these were taken in April (56) with the others being taken in November (26) and December (11). Spiny dogfish catch per nautical mile in 2012 was 2% higher than in 2011 (Table 1). Female catch per nautical mile was 33% higher in 2012 than in 2011, but male catch dropped 60% during the same period (Tables 2 and 3).

The second fishery independent survey that has the potential for taking spiny dogfish is the 16-foot bottom trawl which is deployed monthly at 39 fixed stations in Delaware River and Delaware Bay and at 12 fixed stations in Delaware's Inland Bays. This survey is conducted from April through October. This gear includes a 0.5-inch mesh liner in the cod end of the trawl and it targets primarily juvenile fishes. There were no spiny dogfish taken with this gear in 2012 from either the Delaware Bay or Delaware's Inland Bays.

c. Copy of current regulations

3581 Spiny Dogfish

1.0 It shall be unlawful for any commercial fisherman to harvest, land or possess any spiny dogfish, *Squalus acanthias*, in Delaware except in those sizes, seasons, and quantities permitted in accordance with the most recent version of the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for Spiny Dogfish as amended. It shall be unlawful for any commercial fisherman to harvest, land or possess any spiny dogfish after the Atlantic States Marine Fisheries Commission approved allocation for the region which includes Delaware has been reached during any given year. It shall be unlawful to commercially harvest, land or possess spiny dogfish taken from federal waters during any time when adjoining federal waters are closed to the taking of spiny dogfish. It shall be unlawful for any commercial fisherman to take, land or possess more than 3,000 pounds of spiny dogfish per day from Delaware waters, with a day being defined as 24 hours. Further, it shall be unlawful for any Delaware commercial fisherman to be in possession of spiny dogfish taken from federal waters in excess of the federal daily landing limit. It shall be unlawful for any person to possess the fins from any spiny dogfish prior to landing said spiny dogfish unless said fins are naturally attached to the body of said spiny dogfish. All spiny dogfish landed in Delaware for commercial purposes must be reported through the normal state reporting system.

d. Harvest broken down by commercial and recreational landings

Spiny dogfish commercial landings in 2012 were caught by two gill net fishermen, which make these landings confidential. The 2012 landings were 58% lower than the 2011 landings (30,670 lbs.). The dockside value was \$2,642. The Marine Recreational Information Program (MRIP) reported that 103 spiny dogfish sharks weighing 728 lbs. were harvested in Delaware in 2012 (catch types A+B1). The 2012 landings were 5% lower than the 2011 landings (764 lbs.).

**IV. Planned management programs for the current calendar year**

a. Summarize regulations that will be in effect.

There are no minimum size or harvest restrictions in place for the recreational harvesting of spiny dogfish.

A regulation closing Delaware's commercial fishery for spiny dogfish passed in 2001. Tidal Finfish Regulation 3581 Spiny Dogfish; Closure of Fishery, Section 1.0 said: "It shall be unlawful for any commercial fisherman to harvest, land or possess any spiny dogfish, Squalus acanthias."

On May 1, 2007 Delaware revised this spiny dogfish regulation to re-open the commercial fishery for spiny dogfish in accordance with ASMFC guidelines and federal law administered by the National Marine Fisheries Service, whichever is more restrictive. This means that it is illegal to land in Delaware any commercially harvested spiny dogfish whenever adjoining federal waters are closed. All landings in Delaware must be reported through the normal state reporting system even if the fish are landed in federal waters and those landings are reported to NMFS. Finning spiny dogfish remains illegal in Delaware. Delaware will be increasing its daily trip limit in 2013 from 3,000 lbs. per vessel per day to 10,000 lbs. per vessel per day.

**V. Plan specific requirements**

Delaware received no applications for spiny dogfish exempted fishing permits for biomedical harvest in 2012 and expects none to be received in 2013.



Table 1. Spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

| Year | Number of Tows | Number per Nautical Mile | Weight (kg) per Nautical Mile | Weight (kg) per Tow | Number per Tow |
|------|----------------|--------------------------|-------------------------------|---------------------|----------------|
| 1966 | 56             | 1.22                     |                               |                     | 1.33           |
| 1967 | 75             | 1.59                     |                               |                     | 1.67           |
| 1968 | 49             | 0.86                     |                               |                     | 1.04           |
| 1969 | 42             | 1.07                     |                               |                     | 1.17           |
| 1970 | 35             | 1.76                     |                               |                     | 2.06           |
| 1971 | 39             | 0.56                     |                               |                     | 0.85           |
| 1979 | 99             | 0.15                     |                               |                     | 0.17           |
| 1980 | 93             | 0.10                     |                               |                     | 0.09           |
| 1981 | 98             | 0.07                     |                               |                     | 0.11           |
| 1982 | 40             | 0.00                     |                               |                     | 0.00           |
| 1983 | 38             | 0.00                     |                               |                     | 0.00           |
| 1984 | 45             | 0.10                     |                               |                     | 0.11           |
| 1990 | 61             | 1.17                     |                               |                     | 1.00           |
| 1991 | 72             | 1.05                     |                               |                     | 1.15           |
| 1992 | 89             | 1.46                     |                               |                     | 1.52           |
| 1993 | 83             | 0.83                     |                               |                     | 0.90           |
| 1994 | 71             | 1.58                     | 0.19                          | 0.20                | 1.66           |
| 1995 | 88             | 0.11                     | 0.24                          | 0.28                | 0.13           |
| 1996 | 76             | 0.54                     | 1.08                          | 1.11                | 0.55           |
| 1997 | 89             | 0.66                     | 1.20                          | 1.36                | 0.75           |
| 1998 | 80             | 1.89                     | 2.82                          | 3.12                | 2.05           |
| 1999 | 87             | 0.38                     | 1.00                          | 1.03                | 0.39           |
| 2000 | 90             | 0.30                     | 0.82                          | 0.84                | 0.30           |
| 2001 | 90             | 0.34                     | 0.91                          | 0.92                | 0.34           |
| 2002 | 68             | 0.17                     | 0.36                          | 0.39                | 0.18           |
| 2003 | 63             | 0.39                     | 0.97                          | 0.91                | 0.37           |
| 2004 | 90             | 0.37                     | 0.97                          | 1.02                | 0.39           |
| 2005 | 90             | 0.10                     | 0.26                          | 0.26                | 0.10           |
| 2006 | 90             | 0.42                     | 1.14                          | 1.18                | 0.43           |
| 2007 | 90             | 0.84                     | 2.60                          | 2.69                | 0.87           |
| 2008 | 90             | 1.15                     | 3.41                          | 3.45                | 1.16           |
| 2009 | 90             | 1.90                     | 5.87                          | 5.90                | 1.91           |
| 2010 | 90             | 0.77                     | 2.37                          | 2.37                | 0.77           |
| 2011 | 90             | 1.03                     | 2.85                          | 2.85                | 1.02           |
| 2012 | 90             | 1.04                     | 3.08                          | 3.07                | 1.03           |

Table 2. Female spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

| Year | Number of Tows | Catch per Unit Effort | Total Number of Females Caught | Geometric Mean | Upper 95% C. I. | Lower 95% C. I. |
|------|----------------|-----------------------|--------------------------------|----------------|-----------------|-----------------|
| 1990 | 61             | 0.43                  | 26                             | 0.13           | 0.28            | -0.01           |
| 1991 | 72             | 0.83                  | 60                             | 0.27           | 0.47            | 0.10            |
| 1992 | 89             | 1.30                  | 116                            | 0.23           | 0.42            | 0.06            |
| 1993 | 83             | 0.66                  | 55                             | 0.20           | 0.36            | 0.06            |
| 1994 | 71             | 1.34                  | 95                             | 0.37           | 0.66            | 0.14            |
| 1995 | 88             | 0.07                  | 6                              | 0.03           | 0.08            | -0.01           |
| 1996 | 76             | 0.34                  | 26                             | 0.14           | 0.26            | 0.03            |
| 1997 | 89             | 0.37                  | 33                             | 0.17           | 0.29            | 0.06            |
| 1998 | 80             | 0.93                  | 74                             | 0.26           | 0.45            | 0.08            |
| 1999 | 87             | 0.26                  | 23                             | 0.13           | 0.23            | 0.04            |
| 2000 | 90             | 0.19                  | 17                             | 0.09           | 0.17            | 0.02            |
| 2001 | 90             | 0.23                  | 21                             | 0.09           | 0.18            | 0.01            |
| 2002 | 68             | 0.16                  | 11                             | 0.08           | 0.16            | 0.00            |
| 2003 | 63             | 0.16                  | 10                             | 0.06           | 0.15            | -0.02           |
| 2004 | 90             | 0.17                  | 15                             | 0.08           | 0.15            | 0.01            |
| 2005 | 90             | 0.06                  | 5                              | 0.03           | 0.07            | -0.01           |
| 2006 | 90             | 0.32                  | 29                             | 0.13           | 0.23            | 0.03            |
| 2007 | 90             | 0.43                  | 39                             | 0.16           | 0.28            | 0.04            |
| 2008 | 90             | 1.03                  | 93                             | 0.40           | 0.62            | 0.20            |
| 2009 | 90             | 1.63                  | 147                            | 0.44           | 0.71            | 0.21            |
| 2010 | 90             | 0.58                  | 52                             | 0.24           | 0.39            | 0.10            |
| 2011 | 90             | 0.67                  | 60                             | 0.27           | 0.43            | 0.13            |
| 2012 | 90             | 0.88                  | 80                             | 0.31           | 0.51            | 0.14            |

Table 3. Male spiny dogfish relative abundance indices from DE DFW 30-foot trawl sampling in the Delaware Bay.

| Year | Number of Tows | Catch per Unit Effort | Total Number of Males Caught | Geometric Mean | Upper 95% C. I. | Lower 95% C. I. |
|------|----------------|-----------------------|------------------------------|----------------|-----------------|-----------------|
| 1990 | 61             | 0.13                  | 8                            | 0.05           | 0.12            | -0.03           |
| 1991 | 72             | 0.32                  | 23                           | 0.09           | 0.21            | -0.01           |
| 1992 | 89             | 0.21                  | 19                           | 0.08           | 0.17            | 0.00            |
| 1993 | 83             | 0.24                  | 20                           | 0.07           | 0.16            | -0.01           |
| 1994 | 71             | 0.32                  | 23                           | 0.14           | 0.26            | 0.03            |
| 1995 | 88             | 0.06                  | 5                            | 0.03           | 0.07            | -0.01           |
| 1996 | 76             | 0.20                  | 15                           | 0.08           | 0.16            | 0.00            |
| 1997 | 89             | 0.38                  | 34                           | 0.14           | 0.26            | 0.04            |
| 1998 | 80             | 1.13                  | 90                           | 0.36           | 0.60            | 0.15            |
| 1999 | 87             | 0.13                  | 11                           | 0.07           | 0.13            | 0.01            |
| 2000 | 90             | 0.10                  | 9                            | 0.03           | 0.08            | -0.03           |
| 2001 | 90             | 0.11                  | 10                           | 0.06           | 0.12            | 0.01            |
| 2002 | 68             | 0.01                  | 1                            | 0.01           | 0.03            | -0.01           |
| 2003 | 63             | 0.17                  | 11                           | 0.10           | 0.19            | 0.02            |
| 2004 | 90             | 0.16                  | 14                           | 0.06           | 0.13            | 0.00            |
| 2005 | 90             | 0.04                  | 4                            | 0.03           | 0.06            | -0.01           |
| 2006 | 90             | 0.11                  | 10                           | 0.06           | 0.11            | 0.00            |
| 2007 | 90             | 0.13                  | 12                           | 0.05           | 0.12            | -0.01           |
| 2008 | 90             | 0.12                  | 11                           | 0.06           | 0.12            | 0.01            |
| 2009 | 90             | 0.28                  | 25                           | 0.10           | 0.20            | 0.01            |
| 2010 | 90             | 0.19                  | 17                           | 0.08           | 0.15            | 0.01            |
| 2011 | 90             | 0.36                  | 32                           | 0.11           | 0.22            | 0.01            |
| 2012 | 90             | 0.15                  | 13                           | 0.09           | 0.15            | 0.02            |

# Maryland's 2012 Spiny Dogfish (*Squalus acanthias*) Compliance Report to the Atlantic States Marine Fisheries Commission

## I. Introduction

National Marine Fisheries Service (NMFS) declared Spiny Dogfish as overfished in 1998 and rebuilt in 2009. The federal Fisheries Management Plan (FMP) was fully implemented by the beginning of the 2000 – 2001 fishing year. In order to prevent overfishing in state waters, the Atlantic States Marine Fisheries Commission (ASMFC) Interstate FMP for Spiny Dogfish was approved in November 2002 and implemented for the 2003 – 2004 fishing year.

Four addenda were implemented since passage of the Interstate FMP in 2002. Addendum I was approved in November 2005. It provided the Management Board with authority to establish specifications for up to five years.

Addendum II was approved in October 2008. It replaced seasonal quotas with regional quotas and required regional payback of overages. Specifically, the Atlantic states from Maine south to North Carolina were broken down into three regions each with a percent of the total quota:

- Maine to Connecticut (Northern Region) 58%;
- New York to Virginia (Southern Region) 26%; and
- North Carolina 16%.

Addendum III was approved in April 2011. It replaced the Southern Region and North Carolina quotas with state specific shares. The Northern Region receives 58% of the coastal quota and the remaining 42% is broken down in the following manner:

- New York 2.707%;
- New Jersey 7.644%;
- Delaware 0.896%;
- Maryland 5.920%;
- Virginia 10.795%; and
- North Carolina 14.036%.

Quota overages will be deducted from the appropriate region or state in the next fishing season. States not included in the Northern Region may transfer quota. The recipient of transferred quota is responsible for any overages. Up to 5% of unused quota, inclusive of transferred quota, may be rolled over to the next fishing season. With the exception of the Northern Region, states set their own possession limits. The Management Board sets possession limits for the Northern Region. These terms expire in three years unless extended by the Management Board.

Addendum IV was approved in August 2012 and it updated the overfishing definition. This addendum allows  $F_{\text{threshold}}$  to be scientifically based and consistent with the Mid Atlantic Fisheries Management Council.

## II. Request for *De Minimis*

No *de minimis* status requested.

## III. Previous Year's Fishery and Management Program

### A. Fishery Dependent Monitoring

There was no specific at sea sampling program for Spiny Dogfish in Maryland. There was limited biological sampling of catch onboard a commercial offshore trawler targeting horseshoe crabs on November 5, 2012. The 18.3 m (60 foot) trawl had a 15.24 cm (6 inch) mesh body with a 13.97 cm (5.5 inches) cod end. Dogfish were measured

and sexed from the sub-sampled catch from the first two sets. Four Spiny Dogfish were measured from set 1 and eight from set 2. Females accounted for 11 dogfish and one was male. Lengths ranged in size from 775 mm TL (31 in.) to 921 mm TL (36 in.) and averaged 866 mm TL ( $\pm 15$ ; 34 in.).

## **B. Fishery Independent Monitoring**

No fishery independent monitoring for dogfish was conducted in Maryland state waters.

## **C. Previous Year's Fishery and Management Program**

For the 2012/2013 season, Maryland established a 3,000 pound possession limit. Code of Maryland Regulations (COMAR) pertaining to Spiny Dogfish are contained in section 08.02.05.24:

- A. An individual may not land spiny dogfish (*Squalus acanthias*) from waters of the federal Exclusive Economic Zone (EEZ), which are defined as those ocean waters between 3 and 200 miles offshore, for commercial purposes when the Regional Administrator for National Marine Fisheries Service determines that the EEZ quota has been attained and closes the fishery as permitted in accordance with 50 CFR 648.
- B. Finning Prohibition.
  1. "Finning" means removing only the fins of a spiny dogfish and returning the remainder of the dogfish to the sea.
  2. Finning is prohibited.
  3. An individual may not possess spiny dogfish fins without carcasses aboard a vessel.
  4. Fins may be removed at sea but shall be landed in proper proportion to the number of carcasses landed.
  5. An individual may not possess or land spiny dogfish fins which constitute more than 5 percent by weight of any catch of spiny dogfish.
- C. General
  1. The Secretary may modify catch limits or open or close a season in State waters by publishing a notice in a daily newspaper of general circulation at least 48 hours in advance, stating the effective hour and date.
  2. The Secretary shall make a reasonable effort to disseminate public notice through various other media so that an affected person has reasonable opportunity to be informed.

Additionally, Natural Resource Article, §4–206, Annotated Code of Maryland provides MDNR the authority to require weekly dealer reports.

- A. The Department shall audit the books of any person who packs or deals in fish resources within the jurisdiction of the Department including anyone who catches and ships directly to market. The Department audit shall be conducted to determine the quantity of resources caught and any other data needed for reporting and accounting to State officials.
- B. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall keep accurate books, statements, and accounts showing every detail of the business. Every book,

statement, and account shall be open for the Department to inspect at reasonable hours. Every person engaged in the business of packing or dealing in any fish resource within the Department's jurisdiction shall make any report the Department requires on forms the Department prescribes.

- C. Every person the Department licenses to catch the fish resource shall make any report the Department requires on forms the Department provides.
- D. An officer or employee of any department or unit of the Executive Branch of State government may not divulge or use in any manner information contained in any report submitted pursuant to the provisions of this section that would reveal the income of any person submitting the report. This section does not prohibit the publication of statistics classified to prevent the identification of particular reports and items of them or prohibit inspection of reports and records by any official or employee of the Executive Branch having a proper interest in them.

The following public notices were issued:

May 2, 2012

The Secretary of Maryland Department of Natural Resources, pursuant to the Code of Maryland Regulations 08.02.05.24C, reminds commercial license holders that the commercial spiny dogfish fishery opened at 12:01 a.m., May 1, 2011. Commercial fishing vessels without a federal spiny dogfish permit from the National Marine Fisheries Service (NMFS) may possess or land in Maryland up to 3000 pounds of spiny dogfish per day from Maryland waters (0 – 3 miles from shore). The daily landings may be modified or the fishery may be closed if the NMFS determines the fishery's quota is reached.

November 16, 2012

The Secretary of Maryland Department of Natural Resources announces clarifications for the spiny dogfish fishery pursuant to COMAR 08.02.05.24C.

The spiny dogfish fishery will remain open in state waters until the state's quota is harvested. Maryland commercial licensees without a federal spiny dogfish permit from the National Marine Fisheries Service (NMFS) may possess or land spiny dogfish caught from Maryland waters (0 – 3 miles from shore).

Period II opened in federal waters for commercial harvest on November 1, 2012.

Federal waters will be closed if the NMFS determines the fishery's quota is reached.

You can obtain the latest NMFS rules by visiting, <http://www.nmfs.noaa.gov/sfa/hms/>.

Federal permit holders or Maryland commercial licensees may land up to 3,000 pounds of spiny dogfish per vessel per day.

#### **D. Harvest by Gear Type**

There were three federally permitted commercial dealers that reported landings from Ocean City, MD: Martins, Seatrade International, and Southern Connection Ocean City (SCOC). They electronically reported vessel landings using Standard Atlantic Fisheries Information System (SAFIS) which is operated by the Atlantic Coastal Cooperative

Statistics Program (ACCSP) or other federally approved methods. NOAA began requiring federal dealers to report using online tools in 2004. Some MD fishermen and dealers started voluntarily using SAFIS at the same time in 2004.

### **1. Commercial Landings and Non-harvest Losses**

Preliminary landings as of June 3, 2013 indicated that the Maryland harvest was 1,273,234 lbs. The ACCSP Data Warehouse was used to obtain landings from May through December 2012 and SAFIS was used to obtain preliminary landings for January through April 2013. No discard estimates were available for dogfish. Most of the Spiny Dogfish were caught in December, Period II, using gill nets (30%; Figure 1). Gill net was the gear used for 64% of the total landings.

### **2. Recreational Landings**

Spiny Dogfish are typically unavailable in Maryland waters from June-October. Maryland recreational landings from the NMFS Recreational Fisheries Statistics website (<http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/index>) reported no observed or reported harvest of Spiny Dogfish for May 2012 through April 2013 for the Time Series Query, although 2013 Wave 2 preliminary estimates are not yet available (Personal communication from the National Marine Fisheries Service, Fisheries Statistics Division, May 22, 2013).

### **E. Review of progress in implementing habitat recommendations (if applicable).**

Not applicable.

## **IV. Planned management programs for the current fishing year.**

### **A. Summary of Regulations that will be in Effect**

There are currently plans to change COMAR to limit the number of people participating in the fishery and to have this effective by late September 2013. This change was recommended by an industry workgroup.

Daily landings currently may be modified or the fishery may be closed if MDNR Fisheries Service determines the fishery quota is reached. The following public notice was issued to announce the state waters trip limit:

The Secretary of Maryland Department of Natural Resources announces changes to the landing limit of spiny dogfish for the 2013-2014 commercial fishery pursuant to COMAR 08.02.05.24C. Effective 12:01 a.m. on May 17, 2013, federal permit holders or Maryland commercial licensees may land up to 4,000 pounds of spiny dogfish per vessel per day. If a Maryland commercial licensee does not have a federal spiny dogfish permit from the National Marine Fisheries Service (NMFS), the person may only harvest and possess spiny dogfish caught in Maryland waters (0 – 3 miles from shore). You can obtain the latest NMFS rules by visiting <http://www.nmfs.noaa.gov/sfa/hms/>.

During Maryland's 2013 Legislative Session, a bill was passed (§4-747) to address the international trade of illegal shark fins. This statute would limit the sale of legally-harvested shark fins in Maryland. Maryland does not have a timeline for implementing regulations in compliance with this statute. Additionally, there appear to be potential conflicts between the Maryland statute and NOAA's proposed rule to implement the Shark Conservation Act of 2010. We will continue to work through ASMFC and our Attorney General's office to determine how and when it is appropriate to implement the statute.

**B. Summary of Monitoring Programs that will be in Effect**

Dogfish will be counted and measured when present in the catch during limited biological sampling at sea.

**C. Highlights of Changes from the Previous Year**

There were no changes.

**V. Plan Specific Requirements**

**A. Indicate the number of Spiny Dogfish Exempted Fishing Permits (EFP) issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e. sex, when and how the Spiny Dogfish were collected).**

Zero Spiny Dogfish EFP's were issued in Maryland for the 2012-2013 fishing season.

**VI. Law Enforcement Requirements**

None.





# COMMONWEALTH of VIRGINIA

*Marine Resources Commission  
2600 Washington Avenue  
Third Floor  
Newport News, Virginia 23607*

Douglas W. Domenech  
Secretary of Natural Resources

Jack G. Travelstead  
Commissioner

July 1, 2013

## MEMORANDUM

TO: Marin Hawk, Spiny Dogfish Fishery Management Plan Coordinator  
Atlantic States Marine Fisheries Commission

FROM: Adam Kenyon, Fisheries Management Division  
Virginia Marine Resources Commission

SUBJECT: Virginia's 2013 Compliance Report for Spiny Dogfish

The attached document describes Virginia's spiny dogfish landings and management program for the 2012/2013 fishing year.

Please contact me at 1-757-247-2244 if you need additional information regarding this report.

*An Agency of the Natural Resources Secretariat*

[www.mrc.virginia.gov](http://www.mrc.virginia.gov)

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD

## **SPINY DOGFISH COMPLIANCE REPORT**

### **I. Introduction**

Commercial landings estimates for the 2012/2013 fishing season (May 1, 2012 through April 30, 2013) are preliminary, to date, and final landings estimates will be available once the data are verified and duplicates are removed (Table 1). The current estimate of Virginia's 2012/2013 commercial landings of spiny dogfish is 2,877,359 pounds.

In 2012 the Marine Recreational Information Program (MRIP) did not record any recreational landings of spiny dogfish by recreational anglers. The 2011 value of 4,937 fish was the largest in time series and the highest value since the 1993 Marine Recreational Fishing Statistic Survey (MRFSS) estimate. The number of spiny dogfish released alive (Type B2) in Virginia's recreational harvest was 3,185 in 2012 (Table 2). Note that recreational fishery statistical estimates, for Virginia's recreational spiny dogfish fishery, have low precision, resulting from the limited numbers of spiny dogfish available for sampling from anglers.

### **II. Request for *de minimis*, where applicable**

The Commonwealth of Virginia does not wish to apply for *de minimis* status.

### **III. Previous calendar year's fishery and management program**

#### **a. Activity and results of fishery-dependent monitoring (provide general results and references to technical documentation).**

##### **1. Commercial**

There are currently no fishery-dependent sampling programs in Virginia that target spiny dogfish for collection from the commercial fishery.

##### **2. Recreational**

Beginning in 2010 the MRIP was initiated to provide improved recreational fishing estimates based on angler intercepts. The estimates for MRIP are available from 2004 through 2012. Type A+B1 harvest based on MRIP estimates range from a low in 2012 of zero fish, to a high in 2011 of 4,937 fish (Table 2). The intercept component of the MRIP program interviews anglers to collect demographic information and individual catch data. There were no spiny dogfish intercepts in 2012 in Virginia.

#### **b. Activity and results of fishery-independent monitoring (provide general results and references to technical documentation).**

There are currently no fishery-independent surveys in Virginia that observe sufficient quantities of spiny dogfish to adequately monitor species trends.

**c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP.**

A copy of Chapter 4 VAC 20-490-10 et seq., “Pertaining to Sharks”, that was in effect for the 2012/2013 fishing year is provided in Appendix A.

**1. Commercial**

Chapter 4 VAC 20-490-10 et seq. “Pertaining to Sharks”, requires that all spiny dogfish harvested from state or federal waters, for commercial purposes, must be sold to a federally permitted dealer. These dealers must provide weekly written reports to VMRC of daily landings of any spiny dogfish bought.

All vessels landing seafood in Virginia for commercial purposes must possess a Seafood Landing License, unless the vessel owner possesses a current Virginia Commercial Fisherman Registration License. All registered commercial fishermen and holders of seafood landing licenses are required to report daily harvest from Virginia tidal and federal waters to the VMRC on a monthly basis, with the report due on the 5<sup>th</sup> day of the following month. All licensed seafood buyers are required to use a certified scale for determining the weight of fish, shellfish, or marine organisms that are regulated by a harvest weight limit or quota, possession weight limit, or landing weight limit.

According to Virginia regulations, it is unlawful to place, set, or fish a longline in Virginia’s tidal waters (see Section 30 of Chapter 4 VAC 20-490-10 et seq., Appendix A). Virginia regulations define a longline as any fishing gear that is set horizontally (either anchored, floating, or attached to a vessel), consists of a mainline or groundline greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, and is retrieved by hand or mechanical means. Virginia also prohibits the practice of finning (see Section 50 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish divides the southern region quota (New York through North Carolina), or 42% of the coast-wide quota, into state-specific shares. Virginia received 10.795% of the annual coast-wide quota for May 1, 2012, through April 30, 2013, or 3,853,167 pounds. On May 4, 2012, the ASMFC Spiny Dogfish and Coastal Sharks Management Board issued preliminary regional and state quotas adjusted for overages from the 2011/2012 fishing season for the 2012/2013 fishing season. The adjusted state-specific quota for Virginia for May 1, 2012 through April 30, 2013 is 3,764,732 pounds.

The National Marine Fisheries Service (NMFS) establishes the annual quotas and possession limits of spiny dogfish harvested from federal

waters. The quota is allocated between two periods within the fishing year (May 1 through April 30 of the following year). Period 1 (May 1 through October 31) is allocated 57.9% of the quota and 42.1% of the quota is allocated to Period 2 (November 1 through April 30 of the following year). A vessel possession limit of 3,000 pounds of spiny dogfish was set for both quota periods. Once it had been announced that the federal quota had been harvested, it was illegal to possess aboard a vessel or land in Virginia any spiny dogfish harvested from federal waters (see Section 42 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

In 2009, Virginia created a limited entry permit for the harvest of spiny dogfish, at the request of industry, to prevent overcapitalization in the fishery. Harvesters qualified for permits if they met minimum historical landing requirements of spiny dogfish. In 2012, a total of 107 permits were authorized, and the number of spiny dogfish permits was capped at that level. Transferability is only permitted for situations involving military deployment, incapacitation, or death of the permittees.

## **2. Recreational**

Recreational fishing for spiny dogfish in Virginia is not constrained by size restrictions, possession limits, or seasons. Virginia prohibits the practice of finning (see Section 50 of Chapter 4 VAC 20-490-10 et seq., Appendix A).

### **d. Harvest broken down by commercial (by gear type where applicable) and recreational, and non-harvest losses (when available).**

#### **1. Commercial**

Commercial landings data characterizing harvest from state waters were obtained through the VMRC mandatory reporting database, while information on harvest from federal waters is provided by the NMFS. Both federal and state harvest data for the 2012/2013 fishing season are represented as preliminary and final data will be available once they are verified and the duplicates removed.

The current estimate of Virginia's 2012/2013 commercial landings of spiny dogfish is 2,877,359 pounds. Since 2003, the majority of spiny dogfish landed in Virginia have been harvested from state waters (Table 1).

#### **2. Recreational**

In 2012, the MRIP estimated that zero spiny dogfish were landed (Type A+B1) in Virginia by recreational anglers (Table 2). The MRIP estimate of the number of spiny dogfish that were caught in state waters and released alive (Type B2) in 2012 was 3,185 fish. There were no records of any spiny dogfish harvested from federal waters (> 3 miles).

**IV. Planned management programs for the current calendar year**

**a. Summarize regulations that will be in effect. (copy of current regulations if different from III c).**

**1. Commercial**

Regulations governing license and reporting requirements for the landing of seafood in Virginia, by commercial vessels, will continue to be in effect in 2013. Commercial harvest and landings of spiny dogfish in Virginia will continue to be monitored through the VMRC mandatory reporting system.

**2. Recreational**

Virginia anglers will continue to be required to possess a license to take or catch finfish for recreational purposes in 2013. Virginia anglers that are exempt from possessing a license and above age-15 are required to register with the Virginia Fisherman Identification Program. There are no plans to impose size, possession, or season restrictions on Virginia's recreational fishery for spiny dogfish. The MRIP program will continue to serve as the primary source of recreational fisheries statistics for Virginia. The MRIP intercept interview and headboat survey records will be processed to summarize any spiny dogfish observed and sampled from Virginia's marine recreational fisheries in 2013.

**b. Highlight any changes from the previous year.**

On October 25, 2012 the ASMFC Spiny Dogfish and Coastal Sharks Management Board approved spiny dogfish quotas for the 2013/2014, 2014/2015, and 2015/2016 fishing seasons. The Virginia quota for the 2013/2014 fishing season will be 4,408,894 pounds. On April 23, 2013 this change in quota was adopted into VMRC regulation in Section 42 of Chapter 4 VAC 20-490-10 et seq. (Appendix B). In addition, Virginia increased the maximum daily trip limit to 3,300 pounds and established more restrictive requirements to determine eligibility for individuals participating in the spiny dogfish commercial fishery.

**V. Plan Specific Requirements**

**a. Indicate the number of spiny dogfish exempted fishing permits issued in the previous fishing year, the actual amount (in numbers of fish and pounds) collected under each exempted fishing permit, as well as any other pertinent information (i.e., sex, when and how the spiny dogfish were collected). The report should also indicate the number of exempted fishing permits issued for the current fishing year.**

No spiny dogfish exempted fishing permits were issued in 2012. As of June, none have been issued in 2013.

## **VI. References**

ASMFC (Atlantic States Marine Fisheries Commission). 2002. Interstate fishery management plan for spiny dogfish. ASMFC, Fishery Management Report No. 40, Washington, D.C. 128 p.

ASMFC (Atlantic States Marine Fisheries Commission). 2012. Addendum IV to the interstate fishery management plan for spiny dogfish. ASMFC, Washington, D.C. 7 p.

Table 1. Annual estimates of spiny dogfish commercial landings in Virginia, by harvest area, 1994–2012 fishing years. A fishing year is defined as May 1 through April 30 of the following year.

| Fishing Year | State Waters | Federal Waters | Total     |
|--------------|--------------|----------------|-----------|
| 1994         | 63,098       | 203,602        | 266,700   |
| 1995         | 19,495       | 528,074        | 547,569   |
| 1996         | 420,976      | 2,478,213      | 2,899,189 |
| 1997         | 383,648      | 3,100,300      | 3,483,948 |
| 1998         | 302,313      | 4,345,963      | 4,648,276 |
| 1999         | 191,495      | 1,142,710      | 1,334,205 |
| 2000         | 645          | 50             | 695       |
| 2001         | 749          | 1,502          | 2,251     |
| 2002         | 1,786        | 3,023          | 4,809     |
| 2003         | 224,613      | 240            | 224,853   |
| 2004         | 12,360       | .              | 12,360    |
| 2005         | 21,207       | 2,420          | 23,627    |
| 2006         | 1,805,569    | 895,952        | 2,701,521 |
| 2007         | 1,970,823    | 520,406        | 2,491,229 |
| 2008         | 1,917,811    | 503,316        | 2,421,127 |
| 2009         | 1,214,179    | 222,162        | 1,436,341 |
| 2010         | 975,988      | 554,100        | 1,530,088 |
| 2011         | 1,365,638    | 897,564        | 2,263,202 |
| 2012*        | --           | --             | 2,877,359 |

\*2012 Data are preliminary

Table 2. Annual estimates of the number of spiny dogfish landed (Type A+B1), in Virginia, by recreational anglers, and released alive (Type B2), from all areas combined, 1994 through 2012.

| Year  | Harvest (Type A +B1) |              |             |              | Released Alive (Type B2) |              |
|-------|----------------------|--------------|-------------|--------------|--------------------------|--------------|
|       | Number               | PSE [Number] | Weight (lb) | PSE [Weight] | Number                   | PSE [Number] |
| 1994  | 2,632                | 45.4         | 12,376      | 77.2         | 3,207                    | 52.2         |
| 1995  | 2,638                | 51.3         | 10,555      | 72.3         | 4,963                    | 53.5         |
| 1996  | 167                  | 100.0        | --          | --           | 2,989                    | 50.2         |
| 1997  | 743                  | 44.4         | 4,323       | 44.6         | 23,519                   | 31.5         |
| 1998  | 3,151                | 71.8         | 10,511      | 71.2         | 5,774                    | 45.3         |
| 1999  | 472                  | 85.1         | 417         | 85.7         | 81                       | 85.3         |
| 2000  | 107                  | 71.1         | 351         | 71.3         | 1,061                    | 100.0        |
| 2001  | 127                  | 64.5         | 841         | 68.1         | 10,984                   | 49.7         |
| 2002  | 425                  | 74.0         | 1,746       | 74.1         | 4,567                    | 57.1         |
| 2003  | 739                  | 72.3         | 3,850       | 78.7         | 127                      | 77.4         |
| 2004* | 1,432                | 98.5         | 8,180       | 98.2         | 23,245                   | 70.4         |
| 2005  | 511                  | 76.4         | 3,656       | 77.5         | 4,469                    | 64.1         |
| 2006  | 166                  | 103.2        | 1,316       | 103.2        | 56,637                   | 50.4         |
| 2007  | 13                   | 112.0        | 83          | 112.0        | 27,796                   | 31.4         |
| 2008  | 15                   | 74.8         | 127         | 81.9         | 21,069                   | 34.7         |
| 2009  | 30                   | 21.6         | 158         | 11.2         | 39,287                   | 29.8         |
| 2010  | 66                   | 87.4         | 442         | 85.4         | 8,367                    | 63.7         |
| 2011  | 4,937                | 74.4         | 35,695      | 74.0         | 12,048                   | 59.4         |
| 2012  | 0                    | --           | 0           | --           | 3,185                    | 99.0         |

\*2004-2012 estimated using MRIP data



## **APPENDIX A.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2012/2013 fishing year.

### **VIRGINIA MARINE RESOURCES COMMISSION**

#### **"PERTAINING TO SHARKS"**

#### **CHAPTER 4VAC20-490-10 ET SEQ.**

#### **PREAMBLE**

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated June 28, 2011 and made effective on July 1, 2011. The effective date of this chapter, as amended, is June 1, 2012.

#### **4VAC20-490-10. PURPOSE.**

The purpose of this chapter is to ensure the conservation of shark resources by preventing overfishing by commercial and recreational fisheries and to control the practice of finning.

#### **4VAC20-490-20. DEFINITIONS.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"*Carcass length*" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation lines, as specified in Coastal Pilot, 35<sup>th</sup> and 36<sup>th</sup> editions by Lighthouse Press.

“*Commercial shark fisherman*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“*Commercially permitted nonsandbar large coastal shark*” means any of the following species:

Blacktip, *Carcharhinus limbatus*  
Bull, *Carcharhinus leucas*

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2012/2013 fishing year.

Great hammerhead, *Sphyrna mokarran*  
Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
Scalloped hammerhead, *Sphyrna lewini*  
Silky, *Carcharhinus falciformis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*  
Oceanic whitetip, *Carcharhinus longimanus*  
Porbeagle, *Lamna nasus*  
Shortfin mako, *Isurus oxyrinchus*  
Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*  
Blacknose, *Carcharhinus acronotus*  
Bonnethead, *Sphyrna tiburo*  
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*  
Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
Dusky, *Carcharhinus obscurus*  
Galapagos, *Carcharhinus galapagensis*  
Longfin mako, *Isurus paucus*  
Narrowtooth, *Carcharhinus brachyurus*  
Night, *Carcharhinus signatus*  
Sand tiger, *Carcharias taurus*  
Sevengill, *Heptranchias perlo*  
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Smalltail, *Carcharhinus porosus*  
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White, *Carcharodon carcharias*

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"*Control rule*" means a time-certain date, past, present or future, used to establish participation in a limited entry fishery and may or may not include specific past harvest amounts.

"*Dressed weight*" means the result from processing a fish by removal of head, viscera, and fins, but does not include removal of the backbone, halving, quartering, or otherwise further reducing the carcass.

"*Finning*" means removing the fins and returning the remainder of the shark to the sea.

"*Fork length*" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

"*Movable gill net*" means any gill net other than a staked gill net.

"*Large mesh gill net*" means any gill net having a stretched mesh equal to or greater than 5 inches.

"*Longline*" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

"*Permitted commercial gear*" means rod and reel, handlines, shark shortlines, small mesh gill nets, large mesh gill nets, pound nets, and weirs.

"*Recreational shore angler*" means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

"*Recreational vessel angler*" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"*Recreationally permitted shark*" means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*  
Blacknose, *Carcharhinus acronotus*  
Blacktip, *Carcharhinus limbatus*  
Blue, *Prionace glauca*  
Bonnethead, *Sphyrna tiburo*  
Bull, *Carcharhinus leucas*  
Finetooth, *Carcharhinus isodon*  
Great hammerhead, *Sphyrna mokarran*  
Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
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Scalloped hammerhead, *Sphyrna lewini*  
Shortfin mako, *Isurus oxyrinchus*  
Smooth Dogfish, *Mustelus canis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Thresher, *Alopias vulpinus*  
Tiger, *Galeocerdo cuvier*

“*Recreationally prohibited shark*” means any of the following species:

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Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
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Sand tiger, *Carcharias taurus*  
Sandbar, *Carcharhinus plumbeus*  
Sevengill, *Heptranchias perlo*  
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Smalltail, *Carcharhinus porosus*  
Whale, *Rhincodon typus*  
White, *Carcharodon carcharias*

“*Research only shark*” means any of the following species:

Sandbar, *Carcharhinus plumbeus*

“*Shark shortline*” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

“*Small mesh gill net*” means any gill net having a stretched mesh less than 5 inches.

“*Smooth Dogfish*” means any shark of the species *Mustelus canis*.

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"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

### **4VAC20-490-30. GEAR RESTRICTIONS.**

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the 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 captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

### **4VAC20-490-35. [Repealed]**

### **4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.**

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.
- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic

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sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.

- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

## **4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.**

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.
- C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.
- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark after NOAA Fisheries has closed the fishery for that species in Federal waters.

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- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.
- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
  - 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
  - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.
- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.
- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.
- I. The Commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the Commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

### **4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.**

- A. For the 12-month period of May 1, 2012, through April 30, 2013, the spiny dogfish commercial landings quota shall be limited to 3,764,732 pounds.
- B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.
- C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia more than 3,000 pounds of spiny dogfish per day for commercial purposes.

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- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- E. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

### **4VAC20-490-43. LIMITED ACCESS CONTROL RULE.**

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

### **4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.**

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the following criteria:
  - 1. Shall have documented on Virginia mandatory harvest reporting forms harvest from a legally licensed, movable gill net for an average of at least 60 days from 2006 through 2008, and a minimum harvest of 1 pound of spiny dogfish at any time from 2006 through 2008.
  - 2. Shall have documented on Virginia mandatory reporting forms harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008.
  - 3. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February, 2006 through 2008, shall be classified as spiny dogfish when determining



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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2012/2013 fishing year.

eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions 1 and 2 of this subsection.

- B. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- C. The use of agents in the spiny dogfish fishery is prohibited.
- D. The Commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection B of this section to any individual who meets any of the following criteria:
  - 1. Demonstrates a significant hardship on the basis of health and provides the Commissioner documentation, by an attending Physician, of the medical condition.
  - 2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the Commissioner an explanation, in writing, and copy of the military orders for active duty.
  - 3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

### **4VAC20-490-45. [Repealed]**

### **4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.**

- A. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that 80% of Virginia spiny dogfish quota has been landed.
- B. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission's interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman's registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

### **4VAC20-490-47. CONTROL DATE**

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry

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limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

**4VAC20-490-50. FINNING.**

It shall be unlawful for any person to engage in finning.

**4VAC20-490-60. [Repealed]**

**4VAC20-490-70. PENALTY.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\* \* \* \* \*

## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

### **VIRGINIA MARINE RESOURCES COMMISSION**

#### **"PERTAINING TO SHARKS"**

#### **CHAPTER 4VAC20-490-10 ET SEQ.**

#### **PREAMBLE**

This chapter establishes gear restrictions, a possession limit, and limitations on the taking and landing of sharks, and prohibits the transfer of any spiny dogfish limited entry permit. This chapter is promulgated pursuant to the authority contained in § 28.2-201 of the Code of Virginia.

This chapter amends and re-adopts, as amended, previous chapter 4VAC20-490-10 et seq. which was promulgated April 23, 2013 and made effective on May 1, 2013. The effective date of this chapter, as amended, is July 1, 2013.

#### **4VAC20-490-10. PURPOSE.**

The purpose of this chapter is to ensure the conservation of shark resources, by preventing overfishing by commercial and recreational fisheries, and to control the practice of finning.

#### **4VAC20-490-20. DEFINITIONS.**

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Agent” means any person who possesses the Commercial Fisherman Registration License, fishing gear license, or fishing permit of a registered commercial fisherman in order to fish that commercial fisherman's gear or sell that commercial fisherman's harvest.

"*Carcass length*" means that length measured in a straight line from the anterior edge of the first dorsal fin to the posterior end of the shark carcass.

“*COLREGS line*” means the COLREGS Demarcation Line, as defined in the Code of Federal Regulations (33 CFR 80.510 Chesapeake Bay Entrance, VA).

“*Commercial shark fisherman*” means any commercial fisherman permitted to land or possess sharks (excluding spiny dogfish) that has landed and sold one pound of shark or more (excludes spiny dogfish) in that calendar year (January 1 through December 31).

“*Commercially permitted nonsandbar large coastal shark*” means any of the following species:

Blacktip, *Carcharhinus limbatus*  
Bull, *Carcharhinus leucas*

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

### **Great hammerhead, *Sphyrna mokarran***

Lemon, *Negaprion brevirostris*  
Nurse, *Ginglymostoma cirratum*  
Scalloped hammerhead, *Sphyrna lewini*  
Silky, *Carcharhinus falciformis*  
Smooth hammerhead, *Sphyrna zygaena*  
Spinner, *Carcharhinus brevipinna*  
Tiger, *Galeocerdo cuvier*

“Commercially permitted pelagic shark” means any of the following species:

Blue, *Prionace glauca*  
Oceanic whitetip, *Carcharhinus longimanus*  
Porbeagle, *Lamna nasus*  
Shortfin mako, *Isurus oxyrinchus*  
Thresher, *Alopias vulpinus*

“Commercially permitted small coastal shark” means any of the following species:

Atlantic sharpnose, *Rhizoprionodon terraenovae*  
Blacknose, *Carcharhinus acronotus*  
Bonnethead, *Sphyrna tiburo*  
Finetooth, *Carcharhinus isodon*

“Commercially prohibited shark” means any of the following species:

Atlantic angel, *Squatina dumeril*  
Basking, *Cetorhinus maximus*  
Bigeye sand tiger, *Odontaspis noronhai*  
Bigeye sixgill, *Hexanchus nakamurai*  
Bigeye thresher, *Alopias superciliosus*  
Bignose, *Carcharhinus altimus*  
Caribbean reef, *Carcharhinus perezii*  
Caribbean sharpnose, *Rhizoprionodon porosus*  
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Galapagos, *Carcharhinus galapagensis*  
Longfin mako, *Isurus paucus*  
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"*Finning*" means removing the fins and returning the remainder of the shark to the sea.

"*Fork length*" means the straight-line measurement of a fish from the tip of the snout to the fork of the tail. The measurement is not made along the curve of the body.

"*Large mesh gill net*" means any gill net having a stretched mesh equal to or greater than 5 inches.

"*Longline*" means any fishing gear that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, greater than 1,000 feet in length, with multiple leaders (gangions) and hooks, whether retrieved by hand or mechanical means.

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"*Recreational shore angler*" means a person not fishing from a vessel nor transported to or from a fishing location by a vessel.

"*Recreational vessel angler*" means a person fishing from a vessel or transported to or from a fishing location by a vessel.

"*Recreationally permitted shark*" means any of the following species:

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Blacknose, *Carcharhinus acronotus*

Blacktip, *Carcharhinus limbatus*

Blue, *Prionace glauca*

Bonnethead, *Sphyrna tiburo*

Bull, *Carcharhinus leucas*

Finetooth, *Carcharhinus isodon*

Great hammerhead, *Sphyrna mokarran*

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Porbeagle, *Lamna nasus*  
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Narrowtooth, *Carcharhinus brachyurus*  
Night, *Carcharhinus signatus*  
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“Research only shark” means any of the following species:

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“Shark shortline” means a fish trotline that is set horizontally, either anchored, floating or attached to a vessel, and that consists of a mainline or groundline, 1,000 feet in length or less, with multiple leaders (gangions) and no more than 50 corrodible circle hooks, whether retrieved by hand or mechanical means.

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Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

"*Spiny dogfish*" means any shark of the species *Squalus acanthias*.

### **4VAC20-490-30. GEAR RESTRICTIONS.**

- A. It shall be unlawful for any person to place, set, or fish any longline in Virginia's tidal waters.
- B. It shall be unlawful for any person to place, set, or fish any shark shortline in Virginia's tidal waters with more than 50 hooks. All hooks must be corrodible circle hooks. In addition, any person aboard a vessel fishing shortlines must practice the protocols and possess the 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 captain and vessel owners must be certified in using handling and release equipment.
- C. It shall be unlawful for a person to possess more than two shark shortlines on board a vessel.
- D. It shall be unlawful for any person fishing recreationally to take any shark using any gear other than handline or rod and reel.
- E. It shall be unlawful for any person fishing for commercial purposes to possess any shark caught by means other than permitted commercial gear.
- F. Any commercial shark fisherman fishing for sharks shall check all of his large mesh gill nets at least once every two hours.

### **4VAC20-490-35. [Repealed]**

### **4VAC20-490-40. RECREATIONAL CATCH LIMITATIONS.**

- A. Recreational fishing vessels are allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each recreational vessel angler may possess one bonnethead and one Atlantic sharpnose per trip. The possession aboard a vessel of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one Atlantic sharpnose shark or one bonnethead shark, per person, shall constitute a violation of this regulation. When fishing from any boat or vessel where the entire catch is held in a common hold or container, the possession limits for Atlantic sharpnose shark or bonnethead shark shall be for the boat or vessel and shall be equal to the number of persons on board legally eligible to fish, plus one additional recreationally permitted shark. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limits.

## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

- B. A recreational shore angler is allowed a maximum possession limit of one recreationally permitted shark, excluding smooth dogfish, per calendar day. In addition a recreational shore angler may harvest one additional bonnethead and one additional Atlantic sharpnose per calendar day. The possession of more than one recreationally permitted shark, excluding smooth dogfish, or the possession of more than one bonnethead and one Atlantic sharpnose, by any person, shall constitute a violation of this regulation.
- C. It shall be unlawful for any person to possess any recreationally prohibited shark.
- D. It shall be unlawful for any person to possess any recreationally permitted shark landed under the recreational catch limitations described in this section that is less than 54 inches fork length except Atlantic sharpnose, bonnethead, finetooth, blacknose, and smooth dogfish.
- E. It shall be unlawful for any person to take, harvest, land, or possess any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, smooth hammerhead, spinner or tiger shark from May 15 through July 15 of any calendar year.
- F. All sharks must have heads, tails and fins attached naturally to the carcass. Anglers may gut and bleed the carcass as long as the head and tail are not removed. Filleting any shark is prohibited, until that shark is offloaded at the dock or on shore.

## **4VAC20-490-41. COMMERCIAL CATCH LIMITATIONS.**

- A. It shall be unlawful for any person to possess on board a vessel or to land in Virginia more than 33 commercially permitted nonsandbar large coastal sharks in one twenty-four hour period. The person who owns or operates the vessel is responsible for compliance with the provisions of this subsection.
- B. It shall be unlawful for any person to fillet a shark, until that shark is offloaded at the dock or on shore, except smooth dogfish as provided in subsection C of this section. A licensed commercial fisherman may eviscerate and remove the head of any shark, but the tail and all fins of any shark, except smooth dogfish as provided in subsection C of this section, shall remain naturally attached to the carcass through landing. The fins of any shark, except smooth dogfish, may be partially cut but some portion of the fin shall remain attached, until the shark is landed.
- C. From July 1 through the end of February, commercial fishermen may process smooth dogfish at sea, except the first dorsal fin shall remain attached naturally to the carcass until landed. From March 1 through June 30, commercial fishermen may completely process smooth dogfish at sea prior to landing.



## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

- D. It shall be unlawful to possess, on board a vessel, or to land in Virginia any species of shark, after NOAA Fisheries has closed the fishery for that species in Federal waters.
- E. There are no commercial trip limits or possession limits for smooth dogfish or sharks on the lists of commercially permitted pelagic species or commercially permitted small coastal species.
- F. Except as described in this section, it shall be unlawful for any person to take, harvest, land, or possess in Virginia any blacktip, bull, great hammerhead, lemon, nurse, scalloped hammerhead, silky, smooth hammerhead, spinner or tiger shark from May 15 through July 15. These sharks may be transported by vessel, in Virginia waters, during the closed season provided the sharks were caught in a legal manner consistent with federal regulations outside Virginia waters and:
  - 1) The vessel does not engage in fishing, in Virginia waters, while possessing the above species; and
  - 2) All fishing gear aboard the vessel is stowed and not available for immediate use.
- G. It shall be unlawful for any person to retain, possess or purchase any commercially prohibited shark or any research only shark, except as provided in subsection I of this section.
- H. All sharks harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted shark dealer.
- I. The commissioner may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions and prohibited species restrictions. Exemptions shall be granted only for display or research purposes. Any person granted an exemption for the harvest of any shark for research or display shall report the species, weight, location caught and gear used for each shark collected within 30 days. Any person granted a permit to possess any shark for research or display shall provide the commissioner, on an annual basis, information on the location and status of the shark throughout the life of the shark.

## **4VAC20-490-42. SPINY DOGFISH COMMERCIAL QUOTA AND CATCH LIMITATIONS.**

- A. For the 12-month period of May 1, 2013, through April 30, 2014, the spiny dogfish commercial landings quota shall be limited to 4,408,894 pounds.

## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

- B. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia any spiny dogfish harvested from federal waters for commercial purposes after it has been announced that the federal quota for spiny dogfish has been taken.
- C. It shall be unlawful for any person to take, possess aboard any vessel or land in Virginia more than 3,300 pounds of spiny dogfish per day for commercial purposes.
- D. It shall be unlawful for any person to harvest or to land in Virginia any spiny dogfish for commercial purposes after the quota specified in subsection A of this section has been landed and announced as such.
- E. Any spiny dogfish harvested from state waters or federal waters, for commercial purposes, shall only be sold to a federally permitted dealer.
- F. It shall be unlawful for any buyer of seafood to receive any spiny dogfish after any commercial harvest or landing quota described in this section has been attained and announced as such.

### **4VAC20-490-43. LIMITED ACCESS CONTROL RULE.**

At such time the status of shark stocks or their fisheries warrant the establishment of a limited access program for participation in the commercial fishery for sharks, a control rule may be enacted that limits participation in the commercial fisheries for sharks to those individuals who participated in that fishery on and before December 31, 2004. The control rule may also include eligibility requirements based on past harvest amounts.

### **4VAC20-490-44. SPINY DOGFISH LIMITED ENTRY FISHERY PERMIT AND PERMIT TRANSFERS.**

- A. It shall be unlawful for any person to take, catch, possess, or land any spiny dogfish without first having obtained a Spiny Dogfish Limited Entry Fishery Permit from the Marine Resources Commission. Such permit shall be completed in full by the permittee who shall keep a copy of that permit in his possession while fishing for or selling spiny dogfish. Permits shall only be issued to Virginia registered commercial fishermen meeting either of the criteria described in subdivision 1 or 2 of this subsection:
  - 1. Shall have documentation of (i) harvest from a movable gill net for an average of at least 60 days from 2006 through 2008, (ii) a minimum harvest of one pound of spiny dogfish at any time from 2006 through 2008, and (iii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the

## **APPENDIX B.**

Copy of the Virginia Marine Resources Commission's regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010 through April 30, 2012.

2. Shall have documentation of (i) harvests that total greater than 10,000 pounds of spiny dogfish in any one year from 2006 through 2008, and (ii) harvest of at least one pound of spiny dogfish from May 1, 2010, through April 30, 2012, in the Commission's mandatory harvest reporting system, except that federal dealer reports to the Standard Atlantic Fisheries Information System can satisfy the one pound harvest requirement, for May 1, 2010 through April 30, 2012.
- B. Any smooth dogfish or unidentified dogfish documented on Virginia mandatory reporting forms as harvested during the months of November through February 2006 through 2008 shall be classified as spiny dogfish when determining eligibility for a Spiny Dogfish Limited Entry Fishery Permit as described in subdivisions A 1 and A 2 of this section.
- C. It is unlawful to transfer any Spiny Dogfish Limited Entry Fishery permit after November 23, 2009.
- D. The use of agents in the spiny dogfish fishery is prohibited.
- E. The commissioner or his designee may grant exceptions to the prohibition against transfers of the Spiny Dogfish Limited Entry Fishery Permit as described in subsection C of this section to any individual who meets any of the following criteria:
1. Demonstrates a significant hardship on the basis of health and provides the commissioner documentation, by an attending Physician, of the medical condition.
  2. Demonstrates a significant hardship on the basis of a call to active military duty and provides the commissioner an explanation, in writing, and copy of the military orders for active duty.
  3. Documents the retirement or death of the immediate family member permitted for the spiny dogfish limited entry fishery and possessing a legal Commercial Fisherman Registration License.

**4VAC20-490-45. [Repealed]**

## **4VAC20-490-46. SPINY DOGFISH MONITORING REQUIREMENTS.**

- E. Any Virginia seafood buyer purchasing spiny dogfish shall provide written reports to the Marine Resources Commission of weekly landings for each registered commercial fisherman to include that commercial fisherman's registration license number and exact weight of the spiny dogfish landed, in pounds, until it is projected and announced that

**APPENDIX B.**

Copy of the Virginia Marine Resources Commission’s regulation for the fishing of sharks (including spiny dogfish) that will be in effect for the 2013/2014 fishing year.

80% of Virginia spiny dogfish quota has been landed.

- F. When it has been projected and announced by the Marine Resources Commission that 80% of the Virginia spiny dogfish quota has been landed, each Virginia seafood buyer shall call the Marine Resources Commission’s interactive voice recording system on a daily basis to report the daily landings for each registered commercial fisherman to include the commercial fisherman’s registration license number and exact weight of spiny dogfish landed, in pounds, until it is projected and announced that the Virginia spiny dogfish quota has been landed and the fishery closed.

**4VAC20-490-47. CONTROL DATE**

The Marine Resources Commission hereby establishes April 30, 2011, as the control date for management of all spiny dogfish licenses and fisheries in Virginia. The harvest of any spiny dogfish or the participation by any individual in any Virginia spiny dogfish fishery after the control date will not be considered in the calculation of spiny dogfish rights should further entry limitations be established. Any individual entering the spiny dogfish fishery after the control date may forfeit any right to future participation in the spiny dogfish fishery should further entry limitation be established.

**4VAC20-490-50. FINNING.**

It shall be unlawful for any person to engage in finning.

**4VAC20-490-60. [Repealed]**

**4VAC20-490-70. PENALTY.**

As set forth in §28.2-903 of the Code of Virginia, any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, and a second or subsequent violation of any provision of this chapter committed by the same person within 12 months of a prior violation is a Class 1 misdemeanor.

\* \* \* \* \*

ASMFC Interstate Fishery Management Plan for Spiny Dogfish

North Carolina Annual Spiny Dogfish Compliance Report 2012/13

July 2013



NC Department of Environment and natural Resources

Division of Marine Fisheries

PO Box 769

Morehead City, NC 28557

## **I. Introduction**

North Carolina spiny dogfish landings for the 2012/13 fishing season totaled 2,974,943 pounds. Landings increased by 246,061 pounds from the 2011/12 landings of 2,728,882 pounds. The Atlantic States Marine Fisheries Commission (ASMFC) quota for the 2012/13 fishing year was set at 35.6 million pounds and North Carolina was allocated 5,030,854 pounds. The trip limit, set by North Carolina in state waters, was 5,000 pounds for Harvest Period II (November 1, 2012 - April 30, 2013).

In August of 2012 the ASMFC Spiny Dogfish and Coastal Sharks Management Board (Board) approved Addendum IV to the Spiny Dogfish FMP which adopted the federal fishing mortality threshold to be consistent with the federal plan. The Board decided to keep status quo on 5% quota rollover and retained the authority to set an  $F_{\text{target}}$  based on the Spiny Dogfish and Coastal Sharks Technical Committee's recommendations.

## **II. *De minimis* status**

North Carolina does not request *de minimis* status for the 2013/14 fishing year.

## **III. 2012-2013 Spiny Dogfish Fishery and Management Program**

### **A. Activity and Results of Fishery-Dependent Monitoring**

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 US Department of Commerce, National Marine Fisheries Service). Predominate fisheries sampled included the ocean gill net, estuarine gill net, winter trawl, long haul seine/swipe net, beach haul seines and pound net fisheries. The ocean gill net fishery is responsible for the majority of the spiny dogfish landings in North Carolina. Preliminary fishery dependent data from January to March 2013 estimates that 1,088 individual spiny dogfish from 30 ocean gill net trips were sampled by North Carolina Division of Marine Fisheries (NCDMF) staff. Spiny dogfish sampled ranged in size from 692 to 1035 millimeters total length and averaging 883 millimeters.

### **B. Activity and Results of Fishery-Independent Monitoring**

Spiny dogfish were sampled from December 8 – 16, 2012 as part of the Cooperative Winter Tagging Cruise for Atlantic Striped Bass and Affiliated Species. The main goal of the cooperative winter tagging cruise is to tag striped bass in the Atlantic Ocean but occasionally tows contain few striped bass. Information is collected on striped bass and other affiliated species from each tow. Spiny dogfish captured in each tow were enumerated by sex and a subsample was measured. A total of 9,073 spiny dogfish were observed and total length was recorded on 5,985 individuals. Sampling occurred in near shore waters northeast of Diamond Shoals to the mouth of the Chesapeake Bay.

Spiny dogfish were collected from 245 tows. Females represented 92% of the total catch. Length measurements were collected on 5,529 females and 456 males. No spiny dogfish were tagged during this year's cruise. The spiny dogfish work conducted during the cruises was in cooperation with the ASMFC, Mid-Atlantic Fishery Management Council, the National Marine Fisheries Service-Northeast Fisheries Science Center, the North Carolina Division of Marine Fisheries and East Carolina University.

The NCDMF initiated a fisheries independent gill net survey in 2001 and expanded its coverage in 2008 to include the Cape Fear River and the near shore (0-3 miles) Atlantic Ocean from New River Inlet south to the South Carolina state line. The objective of this project is to provide annual, independent, relative-abundance indices for key estuarine species in the near shore Atlantic Ocean, Pamlico Sound, Pamlico, Pungo, Neuse, and Cape Fear rivers. These indices can also be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project will be used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. The survey employs a stratified random sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by ½ inch increments). A total of 110 spiny dogfish were caught in the Pamlico Sound portion of the independent gill net study from May 2012 to April 2013. A total of 1 male and 109 females were sampled. Total length ranged from 620 to 1010 millimeters and averaged 876 millimeters. Catches of spiny dogfish in the Cape Fear River were minimal with only one fish being captured. In the near shore Atlantic Ocean sampling, 1,137 individuals were captured from May 2012 to April 2013. A total of 101 males and 1,035 females were sampled. Total length ranged from 541 to 912 millimeters with an average total length of 775 millimeters. It should be noted that the independent gill net data is preliminary and has been updated only to March 2013.

#### C. Spiny Dogfish Regulations for 2012/13

#### **NORTH CAROLINA FISHERIES RULES FOR COASTAL WATERS, 15A NCAC 3M .0505 - SHARK**

The Fisheries Director may, by proclamation, impose any or all of the following restrictions in the shark fishery:

- (1) Specify size;
- (2) Specify seasons;
- (3) Specify areas;
- (4) Specify quantity;
- (5) Specify means/methods; and
- (6) Require submission of statistical and biological data.

*History Note: Authority G.S. 113-134; 113-182; 113-221; 143B-289.4;*

*Eff. January 1, 1991;  
Amended Eff. September 1, 1991.*

Under the proclamation authority cited above, the NCDMF Director issued a proclamation in 2002 that prohibited shark finning. The proclamation addressed the specific compliance criteria as mandated in the FMP. The proclamation had no expiration date and remains in effect.

Proclamation FF-44-2013 – Opened the North Carolina waters South of Browns Inlet to the harvest of spiny dogfish effective December 13, 2013. No commercial fishing operation may possess more than 500 pounds of spiny dogfish per day.

Proclamation FF-45-2012 - Dealer Permit effective January 1, 2013. This proclamation required a Spiny Dogfish Dealer Permit for the purchase of more than 100 pounds of spiny dogfish per day per commercial fishing operation.

Proclamation FF-46-2012 – Opened the North Carolina waters North and South of Browns Inlet to the harvest of spiny dogfish on January 1, 2013. North of Browns Inlet no commercial fishing operation may possess more than 5,000 pounds of spiny dogfish per day. South of Browns Inlet no commercial fishing operation may possess more than 500 pounds of spiny dogfish per day.

Proclamation FF-61-2012 - Commercial and recreational shark harvest-all state waters (effective January 1, 2013). This proclamation requires all sharks to have the head, tail and fins intact with the carcass at the point of landing. Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. From July through February, for the smooth dogfish fishery only, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin and second dorsal fin, but must keep the dorsal fin 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. If fins are removed, the total wet weight of the shark fins may not exceed five (5) percent of the total dressed weight of smooth dogfish carcasses landed or found onboard a vessel.

Proclamation FF-25-2013 – Closed the waters of North Carolina to the harvest of spiny dogfish on April 30, 2013.

The following is a summary of the management measures for the 2012/13 North Carolina spiny dogfish fishery.

#### Commercial Fishery

In accordance with, or as authorized under Fisheries Rule 15A NCAC 3M .0503, the following management measures were implemented in the commercial fishery for spiny dogfish during the 2012/13 fishing season:



Season: The season opened on December 13, 2012 for Browns Inlet south and for Browns Inlet North on January 1, 2013. The season for spiny dog fish officially closed on April 30, 2013.

Possession Limit: Daily harvest limits were 5,000 pounds from Browns Inlet North and 500 pounds from Browns Inlet South. The different harvest limits were intended to allow a portion of the quota to be harvested for research and educational purposes.

#### D. Spiny Dogfish Harvest by Commercial, Recreational and Non-Harvest Losses

The commercial harvest of spiny dogfish in North Carolina during the 2012/13 fishing season totaled 2,974,943 pounds. These data are preliminary and subject to change. Commercial landings cannot be reported by gear type because the NCDMF confidentiality policy specifies that if the data are derived from fewer than three fishers or dealers, the data is confidential and cannot be distributed to outside sources (North Carolina General Statute 113-170.3(c)). Confidential data can only be released in a summarized format that does not allow the user to track landings or purchases to any individual (North Carolina Commercial Finfisheries Statistics, NCDMF, 2004).

In 2013, a total of 3,090 spiny dogfish weighing 15,666 pounds, and with a mean length of 788 millimeters, were observed or enumerated in the Marine Recreational Information Program (MRIP). The 2013 information is preliminary and only entered for a partial year, estimates have an extremely high proportional standard error (PSE).

The NCDMF does not have estimates of non-harvest losses of spiny dogfish. The 2006 Northeast Regional Stock Assessment Workshop (SAW-43) provided discard estimations based on discards recorded by the NMFS observer program and the Massachusetts Division of Marine Fisheries (MADMF) discard data. NMFS observer data included trips from North Carolina vessels. Observed trips were categorized by targeted species and gear groups. Discard ratios were estimated for each gear group. Predominant gear group types included trawls, gill nets, and hook and line.

### **IV. Planned Management Programs for the Current Fishing Year**

#### A. Summary of Regulations that will be in Effect for the Current Fishing Year

The spiny dogfish quota for the 2012/13 fishing year was 35.6 million pounds and the trip limit was set at 5,000 pounds. The ASMFC Spiny Dogfish and Coastal Sharks Management Board approved spiny dogfish quotas for the 2013/14, 2014/15, and 2015/16 fishing seasons (May 1-April 30). The quota is divided regionally with 58% allocated to the states of Maine to Connecticut, 28% allocated to the states of New York to Virginia, and the remaining 14% allocated to North Carolina. States from New York through North Carolina are authorized to establish possession limits as best meets their needs.

North Carolina Fisheries Rule 15A NCAC 3M .0505 gives the NCDMF director proclamation authority to set seasons and harvest limits for spiny dogfish. A North

Carolina Spiny Dogfish Dealer Permit is required to purchase more than 100 pounds of spiny dogfish per day per fishing operation and permitted finfish dealers are required to submit daily landings reports to NCDMF. Additionally, commercial landings will be monitored through the North Carolina Trip Ticket Program.

#### B. Summary of Monitoring Programs That Will Be Performed

Monitoring programs will be the same as in the previous fishing year. Spiny dogfish, when encountered, will be sampled during IJFA sampling of the sink net, winter trawl, estuarine gill net fisheries and NCDMF independent gill net surveys. Spiny dogfish will continue to be sampled on the Cooperative Striped Bass Tagging Cruise if funding is acquired.

#### C. Changes from the Previous Year

No changes are anticipated in the North Carolina spiny dogfish management program in 2013/14.

#### **V. Plan Specific Requirements**

Seventy scientific or educational collection permits were issued in North Carolina during the 2012/13 fishing season. Of these seventy permits only three spiny dogfish were captured and released alive. Two spiny dogfish were caught in a trawl and one was caught in a dredge.

South Carolina  
Spiny Dogfish Fishery and Management Program  
Compliance Report for the Year 2012



**DNR**

1 July 2013

Prepared by: Bryan Frazier  
Marine Resources Research Institute  
Marine Resources Division  
South Carolina Department of Natural Resources

## I. INTRODUCTION

Spiny dogfish, *Squalus acanthias*, is a seasonal resident in South Carolina coastal waters, occurring with any abundance primarily in winter months in nearshore shallows and around inner-shelf hard bottom habitats. The South Carolina Department of Natural Resources (SCDNR) has no specific spiny dogfish management program or targeted data collection efforts in place for these sharks at this time. No significant changes occurred in 2012 in the state's monitoring, regulatory or harvest activities related to spiny dogfish.

## II. REQUEST FOR *de minimis*

South Carolina had no documented commercial and minimal recreational landings of spiny dogfish during 2012. In accordance with the ASMFC Interstate Fishery Management Program Charter and Section 4.3.3 of the ASMFC Interstate Fishery Management Plan for Spiny Dogfish (November 2002), the state of South Carolina requests *de minimis* status for the spiny dogfish fishery.

## III. 2012 SPINY DOGFISH FISHERY AND MANAGEMENT PROGRAM

### A. Fishery Dependent Monitoring:

Fishery dependent data is collected through the Marine Recreational Fisheries Statistics Survey (MRFSS), the South Carolina State Finfish Survey (SFS), and a SCDNR-managed mandatory trip reporting system for licensed charter boat operators. Commercial landings and effort are monitored through logbooks and trip tickets. All commercial shark landings must be sold to federally licensed commercial shark dealers.

### Recreational Monitoring:

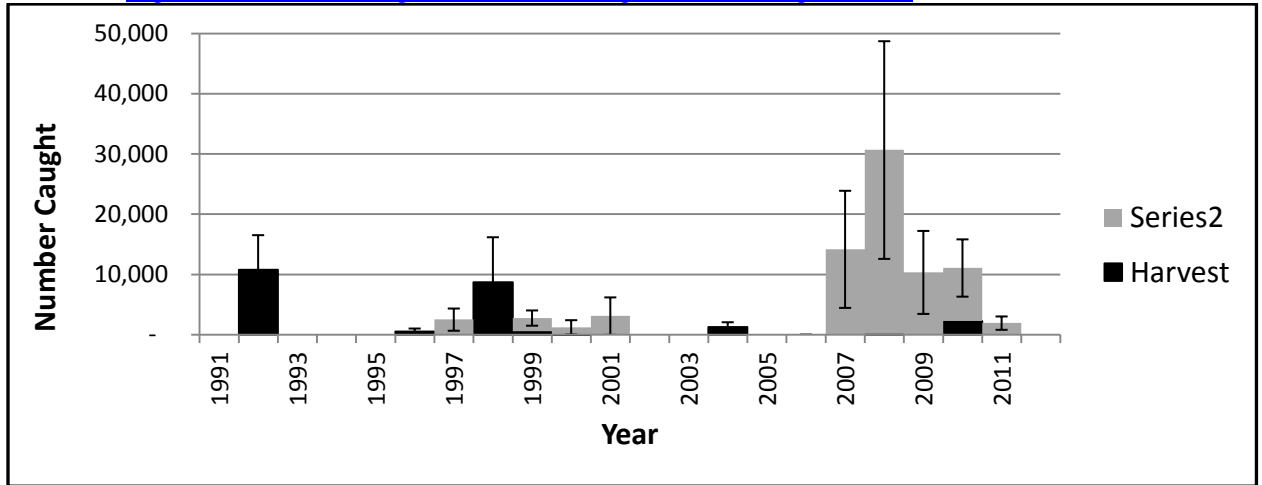
As the coastal population increases in South Carolina, angler pressure on all species of estuarine and coastal fish has increased. Anglers as well as charter captains have increasingly targeted coastal sharks for sport. The majority of these encounters remain catch and release, although a segment is retained for consumption.

**MRIP Data** – Limited data are available on catches of spiny dogfish in South Carolina with no data reported for several years. Recent trends show an increase in catches of spiny dogfish, however there was no reported harvest in 2012 (Figure 1).

**SFS Data** – The SFS is a fishery dependent survey designed to collect catch and effort data of selected species taken by private boat anglers in either South

Figure 1. Estimated catches of spiny dogfish from the MRIP data set. Total catch ( $\pm$  SE), capture and release, and harvest numbers are reported.

Data from: <http://www.st.nmfs.noaa.gov/st1/recreational/queries/catch/snapshot.html>

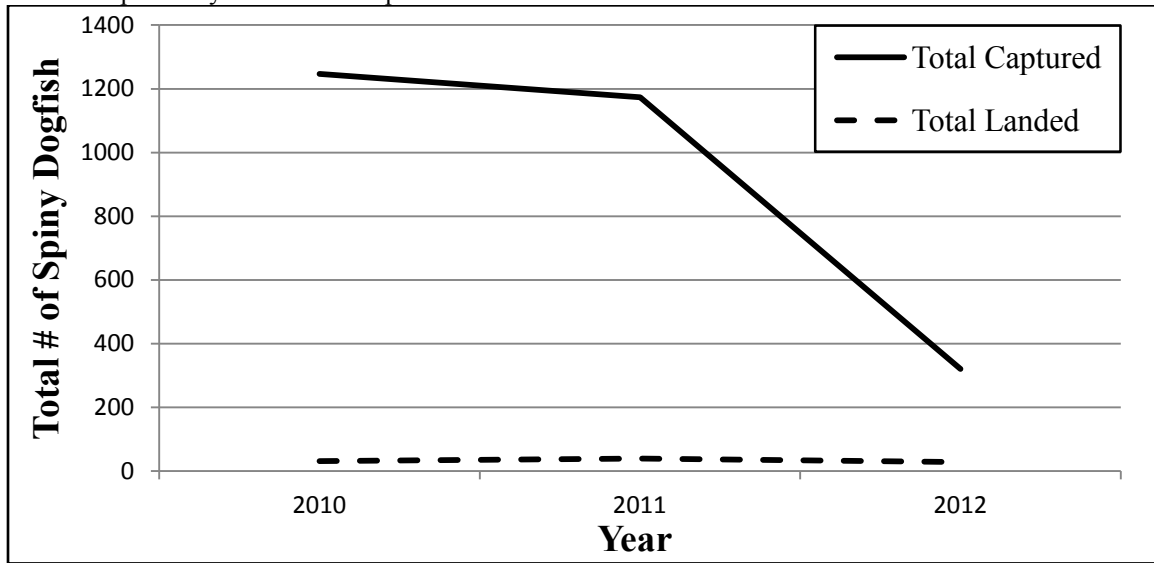


Carolina or adjacent federal waters, other fishing modes (shore based angling) are not sampled by this survey. Historically, very few anglers have been interviewed that captured or harvested spiny dogfish (Table 1).

Table 1. South Carolina State Finfish Survey (SFS) spiny dogfish data. Total number of interviews, number of interviews with spiny dogfish reported, total catch and number harvested by interviewed parties.

| Year | Total # Interviews | # Interviews With Spiny Dogfish Caught | Total Catch | Harvested |
|------|--------------------|--|-------------|-----------|
| 1993 | 2369               | 1                                      | 4           | 4         |
| 1994 | 548                | 0                                      |             |           |
| 1995 | 552                | 0                                      |             |           |
| 1996 | 1712               | 1                                      | 4           | 1         |
| 1997 | 1080               | 4                                      | 67          |           |
| 1998 | 1669               | 2                                      | 18          |           |
| 1999 | 2302               | 0                                      |             |           |
| 2000 | 1968               | 0                                      |             |           |
| 2001 | 1981               | 0                                      |             |           |
| 2002 | 2239               | 1                                      | 2           | 2         |
| 2003 | 2821               | 0                                      |             |           |
| 2004 | 2984               | 0                                      |             |           |
| 2005 | 2297               | 0                                      |             |           |
| 2006 | 2377               | 2                                      | 2           |           |
| 2007 | 2285               | 0                                      |             |           |
| 2008 | 2391               | 0                                      |             |           |
| 2009 | 1995               | 2                                      | 8           |           |
| 2010 | 1876               | 0                                      |             |           |
| 2011 | 2009               | 0                                      |             |           |
| 2012 | 1945               | 0                                      |             |           |

Figure 2. Charter boat trip reporting data. Total number of spiny dogfish captured and landed by year as reported by charter boat captains.



**Charter Boat Trip Reporting** – A mandatory component for participants of the charter boat fishery in South Carolina is a trip reporting system. Data collected includes, effort, species targeted, species encountered and species captured. Prior to 2010, data from smooth and spiny dogfish were reported together as dogfish. In 2010 changes were made to the reporting system that required species specific reporting. Consequently, only data from 2010 to 2012 is included in this report (Figure 2). A total of 320 spiny dogfish were captured in 2012, with 28 (235 lbs.) of them harvested. Total number of spiny dogfish captured was below the 1,173 spiny dogfish reported as captured the previous year. The number reported as landed was slightly below the 2011 total of 39 (280 lbs.).

**Commercial Monitoring:**

All shark catch is required to be sold to a licensed federal dealer, and landings and effort are monitored through the use of logbooks, federal observers and trip tickets. No commercial landings were reported in 2012.

**B. Fishery Independent Monitoring:**

The SCDNR’s on-going nearshore bottom longline survey program documents the annual presence of spiny dogfish in South Carolina’s nearshore coastal waters, typically beginning in mid-November. Relative abundance and residence time of spiny dogfish along the coast in general may be related to winter water temperatures along the east coast, with colder winters resulting in larger spiny dogfish populations and longer residence times in South Carolina waters than in more moderate temperature years. Adult females, many being pregnant, seem to make up a majority of the fish taken by sampling gear in this program, suggesting

that South Carolina waters may play a role as valuable over-wintering grounds for this species. (SCDNR POC: frazierb@dnr.sc.gov)

**C. Spiny Dogfish Regulations in Effect:**

No state regulations are in effect in South Carolina related specifically to spiny dogfish. However, limits, closures, and requirements pertaining to shark fishing in general provided by federal regulations are considered the law of the state of South Carolina except where specific state legislation is enacted. The following sections from Title 50 of South Carolina Code apply:

**SECTION 50-5-2725.** Shark catch limits; boat or vessel permit to take sharks for commercial purposes; equipment requirements and prohibitions.

(A) Except as provided in this chapter, the size, catch, bag, and possession limits, fishing period closures, and requirements pertaining to the taking, release, landing, sale, purchase, trade, or barter of sharks or shark parts prescribed by those federal regulations implemented under the Fishery Conservation and Management Act (PL 94-265) and pertaining to the Fishery Management Plan for Atlantic tuna, swordfish, and sharks are declared to be the law of this State and apply in state waters; provided, however, no federal recreational angling permit or federal charter boat/head boat permit is required for the taking or possession of sharks in the waters of this State. In state waters size, catch, bag, and possession limits pertain to individual fishermen when no vessel is utilized.

(B) An annual permit must be obtained from the department for a boat or vessel before it takes sharks for commercial purposes in state waters. Permits granted under this section do not include income requirements but may include requirements for fishing times, periods, areas, gear, and equipment, catch limitations and reporting, and other conditions the department may determine to be necessary for management or regulatory purposes. In addition to department conditions, the use of gill nets to harvest sharks is prohibited in state waters at all times, and when taken by gill net, all sharks must be released immediately.

**SECTION 50-5-2730.** Federal fishing regulations declared to be law of State.

Unless otherwise provided by law, any regulations promulgated by the federal government under the Fishery Conservation and Management Act (PL 94-265) or the Atlantic Tuna Conservation Act (PL 94-70) which establishes seasons, fishing periods, gear restrictions, sales restrictions, or bag, catch, size, or possession limits on fish are declared to be the law of this State and apply statewide including in state waters.

**D. Spiny Dogfish Harvest**

No directed commercial fishery occurs in South Carolina for this species, and no commercial landings were reported in 2012. Incidental catch does occur frequently in winter months by recreational anglers fishing at coastal fishing piers and from boats on inner-shelf hard bottom habitats. MRFSS estimated no harvest for 2012. Twenty-eight (235 lbs) spiny dogfish were reported as landed by recreational fisherman fishing aboard charter vessels in 2012.

**E. Habitat Recommendations – Not applicable.**

**IV. PLANNED SPINY DOGFISH MANAGEMENT PROGRAMS FOR 2013**

**A. Regulations in Effect for 2013:**

No regulatory changes are anticipated for spiny dogfish in 2013.

**B. Monitoring programs that will be performed:**

No new programs dedicated to the monitoring of spiny dogfish are planned. Data related to the presence and movement of spiny dogfish in South Carolina's coastal waters will continue to be collected as this species is encountered within the context of existing fishery dependent or fishery independent programs conducted by the SCDNR.

**C. Changes from the Previous Year:**

None.

**V. PLAN SPECIFIC REQUIREMENTS – Not applicable.**





MARK WILLIAMS  
COMMISSIONER

A.G. 'SPUD' WOODWARD  
DIRECTOR

June 18, 2013

Marin Hawk  
Spiny Dogfish FMP Coordinator  
Atlantic States Marine Fisheries Commission  
1050 N. Highland St., Suite 200 A-N  
Arlington VA, 22201

Marin:

Please find attached the Georgia 2012 Spiny Dogfish Compliance Report. Let me know if you require additional information.

Sincerely,

Carolyn N. Belcher, PhD  
Research and Surveys Program Manager

cc: Pat Geer  
Spud Woodward

# Georgia Spiny Dogfish Compliance Report for the Year 2012

## I. Introduction

Because spiny dogfish occur infrequently in Georgia waters or in the EEZ off Georgia, recreational and commercial fishers do not target the species. Per Georgia law, spiny dogfish, Atlantic sharpnose and bonnethead are defined as the small shark composite and are managed under O.C.G.A. 27-4-130.1. This code was modified January 28<sup>th</sup> 2009 reducing the daily / possession limit from 2 per person  $\geq 30''$  total length to 1 per person  $\geq 30''$  fork length. All finfish must be landed whole and transfer at sea is prohibited. There has never been a documented commercial harvest of spiny dogfish in Georgia waters, including during 2012.

## II. Request for *de minimus*

For 2013, Georgia respectfully requests a continuation of its *de minimus* status in this fishery. Georgia's commercial fishermen landed no spiny dogfish in 2012.

## III. Previous calendar year's fishery and management program

### a. Activity and results of the fishery dependent monitoring

TIP Sampling - Coastal Resources Division (CRD) personnel continue to participate in the collection of biometric and catch/effort data from offshore commercial finfish fishing trips using NMFS Trip Interview Program (TIP) collection protocol. Sampling was conducted during 2012, resulting in 6 trips; however, no spiny dogfish were observed.

Bycatch Characterization – CRD conducts fishery-dependent bycatch characterization studies aboard large trawl jellyball vessels. These studies are supported through CRD's federally funded Atlantic Coastal Fisheries Cooperative Management Act (P.L. 103 - 206) project. Observers were able to log five trips during this reporting period, observing 44 tows. Zero spiny dogfish were observed in these tows.

Marine Sportfish Carcass Recovery Project - 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. Chest freezers were located at 12 public access points along the Georgia coast. Each freezer is clearly marked and contains a supply of plastic bags, pencils, and data card. Anglers place their filleted fish carcasses in plastic bags along with completed data in the freezer. CRD personnel collect the carcasses and process them to determine species, length, and gender. Sagittal otoliths are removed and processed to determine the age of the fish. In 2012, a total of 4,411 fish carcasses were donated through this program. Zero spiny dogfish were included.

## **b. Activity and results of fishery independent monitoring**

As a *de minimus* state, Georgia does not conduct an independent monitoring program targeting spiny dogfish. However, there are fishery-independent surveys conducted in areas where spiny dogfish potentially could be encountered.

### Adult Red Drum Survey

Sampling occurs in inshore and nearshore waters of southeast Georgia and in offshore waters of northeast Florida. Sampling occurs from mid-April through the end of December. Sampling gear consists of a bottom set 926 m, 600lb test monofilament mainline configured with 60, 0.5 m gangions made of 200lb test monofilament. Each gangion consists of a longline snap and either a 12/0 or 15/0 circle hook. Thirty hooks of each size are deployed during each set. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2012, CRD staff deployed 214 sets consisting of 12,838 total hooks and 107 hours of total soak time. Zero spiny dogfish were reported from this effort.

### Shark Nursery Survey

Sampling occurs in the inshore waters of St. Simons and St. Andrew sounds. Sampling occurs from mid-April through the end of September. Sampling gear consists of a 305 m braided rope mainline configured with 50, 1 m gangions made of 200lb test monofilament. Each gangion is configured with a longline snap and a 12/0 circle hook. All hooks are baited with squid. Soak time for each set is 30 minutes. During 2012, CRD staff fished 115 longline stations consisting of 5747 hooks and a total of 57.5 hours of soak time. Zero spiny dogfish were captured.

### Ecological Monitoring Survey

Each month, a 40-foot flat otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 42 stations across six estuaries. At each station, a standard 15 minute tow is made. During this report period, 494 tows/observations were conducted, totaling 125 hours of tow time. Two spiny dogfish were captured in two separate trawls during January. Lengths for these fish were 845 mm TL and 963 mm TL.

### Juvenile Trawl Survey

Although personnel have historically used the EMTS as the primary trawl survey, a second trawl survey has been implemented to target species occurring further upriver in lower salinity waters. Each month, a 20-foot semi-balloon otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 18 stations across three estuaries. At each station, a standard 5 minute tow is made. A total of 209 tows were made during the 2012 time period. Given the upriver locations of the sampling stations, it is highly unlikely that spiny dogfish will be encountered.

## Marine Sportfish Population Health Survey

The MSPHS is a multi-faceted ongoing survey used to collect information on the biology and population dynamics of recreationally important finfish. Currently two Georgia estuaries are sampled on a seasonal basis using entanglement gear.

During the June to August period, young-of-the-year red drum in the Altamaha/Hampton River and Wassaw estuaries are collected using gillnets to gather data on relative abundance and location of occurrence. In 2012, a total of 216 sets of this gear produced zero spiny dogfish.

During the September to November period, fish populations in the Altamaha/Hampton River and Wassaw estuaries are monitored using monofilament trammel nets to gather data on relative abundance and size composition. Zero spiny dogfish were captured during 158 net sets in 2012.

### **c. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP**

All sections of the Official Code of Georgia and Rules and Regulations of the Georgia Department of Natural Resources referenced herein have been previously submitted. The only changes to the previously submitted Rules and Regulations impacting spiny dogfish were the reduction of the daily / possession limit from 2 per person  $\geq 30''$  TL to 1 per person  $\geq 30''$  FL. This change to O.C.G.A. 27-4-130.1 went into effect January 28<sup>th</sup> 2009.

### **d. Harvest broken down by commercial and recreational, and non-harvest losses**

Commercial Landings – There were no reported commercial landings of spiny dogfish during 2012.

Recreational Landings - Expanded data from the NMFS marine recreational surveys estimate no spiny dogfish were kept in Georgia during 2012; however, an estimated 3,085 spiny dogfish were released (PSE = 63.5).

### **e. Review of progress in implementing habitat recommendations**

N/A

#### **IV. Planned management programs for the current calendar year**

##### **a. Summarize regulations that will be in effect**

All current regulations regarding spiny dogfish remain in effect through 2013. Rule 391-2-4.04 restricts fishermen lacking a federal commercial permit to a one fish daily bag/possession limit. All harvest and possession must adhere to a 30-inch FL minimum size. The fishing season is open year round but fishermen with a federal permit are limited to the bag limits when the federal season is closed or when the federal quota has been met. All spiny dogfish must be landed whole, and transfer at sea is prohibited.

##### **b. Summarize monitoring programs that will be performed**

Pursuant to Georgia law (O.C.G.A. Section 27-4-118 and Board of Natural Resources Rule 391-2-4-.09) all commercial harvesters landing seafood in Georgia are required to record their harvest and submit these records to the Department of Natural Resources. Historically, Georgia's commercial seafood landings have been collected as part of the NMFS Cooperative Statistics Program. As Georgia's participation in ACCSP continues, catch/effort and economic information have been added to the harvest data collected for every commercial fishing trip terminating in Georgia. These data are collected monthly and afford Georgia's marine fishery managers the opportunity to conduct real time monitoring of the status and trends in our commercial fisheries.

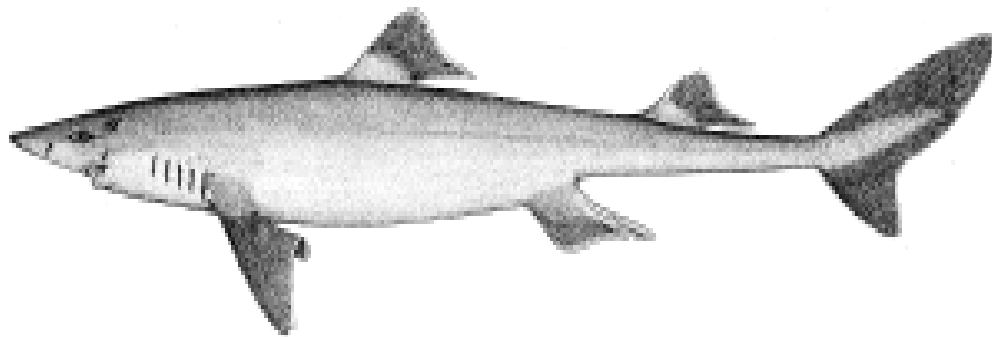
Monitoring of the commercial fishery for both bycatch characterization and landings will continue. O.C.G.A 27-4-110 requires that anyone wishing to engage in commercial fishing in the salt waters of Georgia must obtain a commercial fishing license. Further O.C.G.A. 27-4-118 requires that each commercial fisherman maintain a record and report their landings to and in a manner specified by the Department of Natural Resources. Those reporting requirements are detailed in Board Rule 391-2-4-.09. Additionally, any Georgia seafood dealer must be licensed by the Department of Agriculture (O.C.G.A. 26-2-312) and maintain records and report to the Department of Natural Resources per O.C.G.A 27-4-136 and Board Rule 391-2-4-.09.

The Ecological Monitoring Survey, Juvenile Trawl Survey, Adult Red Drum Survey, Shark Nursery Survey, Marine Sportfish Carcass Recovery Project, and Marine Sportfish Population Health Survey will continue in 2013. Any spiny dogfish captured will be measured for length.

##### **c. Highlight any changes from the previous year**

N/A

**The 2013 Atlantic States Marine Fisheries Commission Compliance Report for  
spiny dogfish, *Squalus acanthias*, on Florida's Atlantic coast**



**Joseph Munyandorero  
Florida Fish and Wildlife Conservation Commission  
Florida Fish and Wildlife Research Institute  
St. Petersburg, Florida**

**May 28, 2013**

## I. INTRODUCTION

Spiny dogfish, *Squalus acanthias*, are found in all temperate and subtropical oceans and seas (Froese and Pauly 2000). In the northwest Atlantic, they range from Labrador to Florida where they are considered to be a unit stock (Sosebee and Rago 2006). On the US Atlantic coast, recreational and commercial catches of spiny dogfish are important for Mid-Atlantic and North Atlantic states.

The Florida Fish and Wildlife Conservation Commission (FWC) regulates the fishing of sharks and rays under Chapter 68B-44.008, Florida Administrative Code (F.A.C.). These regulations prohibit harvest, possession, purchase, sale, or exchange of spiny dogfish, which have been declared and designated "a protected species" to prevent them from becoming endangered. The objective of this report is to update the Atlantic States Marine Fisheries Commission (ASMFC) on the response of the recreational and commercial fisheries in 2012-2013 to the above regulations.

The commercial and recreational fisheries operating on Florida's Atlantic coast do not target spiny dogfish. As a result, there were neither landings nor catches of spiny dogfish on Florida's east coast during the 2012-2013 fishing season. All fishermen who operated on Florida's Atlantic coast during the 2012-2013 fishing season were in compliance with the regulations stipulated in CH 68B-44.008, F.A.C, about spiny dogfish. Historical records on the recreational fishery for the species are given in Table 1.

## II. REQUEST FOR *de Minimis*

The FWC requests continuation of Florida's *de minimis* status for the spiny dogfish fishery.

## III. PREVIOUS CALENDER YEAR'S FISHERY AND MANAGEMENT PROGRAM

### A. Activity and Results of Fishery Dependent Monitoring Program

#### Commercial Fishery

Description of the 2012-2013 Fishery, Trip Limit, Quota Compliance, and Size Limits

N/A

#### Recreational Fishery

Description of the 2012-2013 Fishery

The recreational fishery data for spiny dogfish on the Atlantic coast of Florida (Table 1) came from the website of the National Marine Fisheries Service

(<http://www.st.nmfs.noaa.gov/recreational-fisheries/access-data/run-a-data-query/queries/index>). Landings/catches were only made in 1989, 2005, and 2006. All spiny dogfish caught in 1989 and 2006 were released alive. In 2005, the number of released dogfish represented 99.3% of the total number of dogfish caught (Table 1). No landings and catches were reported since 2007. All anglers operating on Florida's Atlantic coast during the 2012-2013 fishing season complied with the regulations stipulated in CH 68B-44.008, F.A.C, about spiny dogfish.

#### Size Limits and Bag Limits

N/A

#### **Head boat Fishery**

The most recent data from the head boat fishery was 2011. These data could not be updated for 2012 because they were not available. During 1981-2011, head boat landings of spiny dogfish on Florida's Atlantic coast were reported in 2005, 2010, and 2011 and consisted of 16, 8, and one specimen, respectively, weighing 50 pounds, 48 pounds, and 1 pound.

#### Size limits and Bag limits

N/A

#### **B. Activity and Results of Fishery Independent Monitoring Program**

The Florida Fish and Wildlife Research Institute's Fishery Independent Monitoring program does not collect spiny dogfish on the Atlantic coast.

#### **C. Copy of regulations that were in effect, including a reference to the specific compliance criteria as mandated in the FMP**

**CHAPTER 68B - 44 SHARKS AND RAYS** (source: <http://www.myfwc.com/fishing/saltwater/regulations/rules-by-species/>; <http://www.myfwc.com/fishing/saltwater/regulations/history/q-z/>).

- 68B-44.002 Definitions
- 68B-44.003 Bag Limit Applicable to State Waters, Gear Restriction
- 68B-44.004 Landing in Whole Condition; Transit Through State Waters
- 68B-44.005 Commercial Harvest of Sharks: Federal Permit Required
- 68B-44.006 Commercial Season; Season Closure; Prohibition of Sale



68B-44.007 Size Limit Applicable to State Waters

68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale

**68B-44.002 Definitions.**

As used in this rule chapter:

(1) "Finned" means one or more fins are no longer naturally attached to the body of the shark. A shark with fins naturally attached, either wholly or partially, is not considered finned.

(2) "Fork Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.

(3) "Harvest" means the catching or taking of a marine organism by any means whatsoever, followed by a reduction of such organism to possession. Marine organisms that are caught but immediately returned to the water free, alive, and unharmed are not harvested.

(4) "Harvest for commercial purposes" means the taking or harvesting of a marine organism for purposes of sale, barter, trade or exchange or with intent to sell, barter, trade or exchange.

(5) "Land," when used in connection with the harvest of marine organisms, means the physical act of bringing the harvested organism ashore.

(6) "Ray" means any species of the Order Rajiformes, or any part thereof.

(7) "Shark" means any of the following species or any part thereof:

(a) Large coastal species:

1. Blacktip shark - *Carcharhinus limbatus*.
2. Bull shark - *Carcharhinus leucas*.
3. Nurse shark - *Ginglymostoma cirratum*.
4. Spinner shark - *Carcharhinus brevipinna*.

(b) Small coastal species:

1. Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
2. Blacknose shark - *Carcharhinus acronotus*.
3. Bonnethead - *Sphyrna tiburo*.
4. Finetooth shark - *Carcharhinus isodon*.

(c) Pelagic species:

1. Blue shark - *Prionace glauca*.
2. Oceanic whitetip shark - *Carcharhinus longimanus*.
3. Porbeagle shark - *Lamna nasus*.
4. Shortfin mako - *Isurus oxyrinchus*.
5. Thresher shark - *Alopias vulpinus*.

(d) Smooth Dogfish - any species of the Genus *Mustelus*.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.002, Amended 1-19-10, 3-21-10, 1-1-12.*

**68B-44.003 Bag Limit Applicable to State Waters; Gear Restriction.**

(1) No person shall harvest in or from the waters of the state more than one shark per day; provided, however, that the possession of more than two sharks harvested from state waters aboard any vessel with two or more persons is prohibited.

(2) The harvest or attempted harvest of any shark in or from state waters is prohibited except by use of hook and line gear.

(3) The harvest of any shark, within the waters of the state, by or with the use of any multiple hook in conjunction with live or dead natural bait is prohibited.

(4) Snagging (snatch hooking) of shark in or from state waters is prohibited.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.003, Amended 1-19-10.*

**68B-44.004 Landing in Whole Condition; Transit Through State Waters.**

(1) All sharks harvested from State of Florida waters shall be landed in a whole condition. Except as provided for in subsection (2), the possession, while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, of any shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed is prohibited. Mere evisceration or "gutting" of such fish or slicing the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing is not prohibited.

(2) The landing requirements contained in this section, possession and bag limit restrictions contained in Rule 68B-44.003, F.A.C., and the prohibited species contained in Rule 68B-44.008, F.A.C., shall not apply to lawful commercial harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9,*

*Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended 10-15-07, 1-19-10.*

**68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.**

(1) No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § 635.4 or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § 635.32.

(2) A harvester required to hold the federal annual vessel permit for sharks pursuant to subsection (1) may only sell to a holder of a valid federal Atlantic shark dealer permit pursuant to 50 C.F.R. § 635.4.

(3) No wholesale dealer, as defined in Section 379.362(1), F.S., shall purchase sharks, or any part thereof, unless such dealer is in possession of a valid federal Atlantic shark dealer permit. No wholesale dealer shall purchase sharks, or any part thereof without confirming that the seller possesses a valid Florida saltwater products license and the federal licenses and permits specified in subsection (1). This subsection applies only when a shark, or any part thereof is sold, exchanged, bartered, distributed, or landed for the first time.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended 10-15-07, 1-19-10.*

**68B-44.006 Commercial Season; Season Closure; Prohibition of Sale.**

(1) All persons harvesting sharks for commercial purposes shall have a season that begins on January of each year and continues through December 31, unless closed earlier pursuant to subsection (2).

(2)(a) If at any time the harvest of any species of large or small coastal sharks, or pelagic sharks for commercial purposes in waters of the federal Exclusive Economic Zone (EEZ) adjacent to Florida waters is closed, corresponding state waters shall be closed to commercial harvest of the species affected by the federal closure, from the date of such closure until federal waters are reopened to the commercial harvest of such species.

(b) If at any time the harvest of any species of large or small coastal sharks, pelagic sharks, or smooth dogfish are closed in state waters of the Atlantic Ocean for commercial purposes by the Atlantic States Marine Fisheries Commission, Florida State waters of the Atlantic Ocean from the Florida-Georgia border to the border between Miami-Dade and Monroe Counties shall be closed from the date of such closure until the Atlantic States Marine Fisheries Commission reopens the fishery to the commercial harvest. For purposes of this section the border between

Miami-Dade and Monroe Counties is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat, proceeding due east.

(c) During the period of any state waters closure pursuant to paragraph (a) or (b), the harvest, possession, or landing for commercial purposes, or the sale, purchase, or exchange, of any species to which the closure applies, is prohibited. These prohibitions shall not apply to trade in shark carcasses or fins that were harvested, offloaded, and purchased, sold, or exchanged prior to the closure. The burden shall be upon any person possessing such shark carcasses or fins to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading. Failure to maintain such documentation or failure to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.006, Amended 7-1-03, 1-19-10.*

**68B-44.007 Size Limit Applicable to State Waters.**

No person shall harvest in or from the waters of the State of Florida at any time, or unnecessarily destroy, any shark of fork length less than 54 inches, with the exception of:

- (1) Atlantic sharpnose shark - *Rhizoprionodon terraenovae*.
- (2) Blacknose shark - *Carcharhinus acronotus*.
- (3) Blacktip shark - *Carcharhinus limbatus*.
- (4) Bonnethead - *Sphyrna tiburo*.
- (5) Finetooth shark - *Carcharhinus isodon*.
- (6) Smooth Dogfish - any species of the Genus *Mustelus*.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 1-19-10.*

**68B-44.008 Prohibited Species; Prohibition of Harvest, Landing, and Sale.**

(1) No person shall harvest, possess, land, purchase, sell, or exchange any or any part of these species:

- (a) Atlantic angel shark (*Squatina dumeril*).
- (b) Basking shark (*Cetorhinus maximus*).
- (c) Bigeye sand tiger (*Odontaspis noronhai*).
- (d) Bigeye sixgill shark (*Hexanchus nakamurai*).
- (e) Bigeye thresher (*Alopias superciliosus*).
- (f) Bignose shark (*Carcharhinus altimus*).
- (g) Caribbean reef shark (*Carcharhinus perezii*).
- (h) Caribbean sharpnose shark (*Rhizoprionodon porosus*).
- (i) Dusky shark (*Carcharhinus obscurus*).

- (j) Galapagos shark (*Carcharhinus galapagensis*).
- (k) Great hammerhead - *Sphyrna mokarran*.
- (l) Lemon shark - (*Negaprion brevirostris*).
- (m) Longfin mako (*Isurus paucus*).
- (n) Narrowtooth shark (*Carcharhinus brachyurus*).
- (o) Night shark (*Carcharhinus signatus*).
- (p) Sandbar shark (*Carcharhinus plumbeus*).
- (q) Sand tiger (*Carcharias taurus*).
- (r) Scalloped hammerhead - (*Sphyrna lewini*)
- (s) Sevengill shark (*Heptranchias perlo*).
- (t) Silky shark (*Carcharhinus falciformis*).
- (u) Sixgill shark (*Hexanchus griseus*).
- (v) Smalltail shark (*Carcharhinus porosus*).
- (w) Smooth hammerhead - (*Sphyrna zygaena*).
- (x) Tiger shark - (*Galeocerdo cuvier*).
- (y) Whale shark (*Rhincodon typus*).
- (z) White shark (*Carcharodon carcharias*).
- (aa) Largetooth sawfish (*Pristis pristis*).
- (bb) Smalltooth sawfish (*Pristis pectinata*).
- (cc) Spiny dogfish (*Squalus acanthias*).
- (dd) Manta ray (species of the genus *Manta* and *Mobula*).
- (ee) Spotted eagle ray (*Aetobatus narinari*).

(2) The prohibitions on harvest shall not apply to lawful harvest in federal waters when such harvest is transported directly through state waters with gear appropriately stowed. Transit shall be direct, continuous and expeditious from the place where lawful harvest occurred to the place where the vessel is regularly docked, moored, or otherwise stored or to the place of the licensed wholesale dealer where the catch is to be sold. For the purpose of this section appropriately stowed means a longline may be left on the drum if all gangions and hooks are disconnected and stowed below deck. Hooks cannot be baited. All buoys must be disconnected from the gear; however buoys may remain on deck. A rod and reel must be stowed securely. Terminal gear (i.e., hooks, leaders, sinkers, flashers, or baits) must be disconnected and stowed separately from the fishing apparatus. Sinkers must be disconnected from the down rigger and stowed separately. Gillnets must be rolled, folded, or otherwise properly and securely stowed in sealed containers or compartments so as to make their immediate use as fishing implements impracticable.

*Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New 4-8-92, Amended 1-1-98, Formerly 46-44.008, Amended 7-1-03, 3-9-06, 1-19-10, 3-21-10, 1-1-12.*

**D. Harvest broken down by commercial and recreational and non-harvest losses**

N/A for commercial harvest. See Table 1 for recreational landings/catches in numbers and weight.

**E. Review of Progress in Implementing Habitat Recommendations**

N/A

**IV. PLANNED MANAGEMENT PROGRAMS FOR THE CURRENT YEAR**

No changes to the current management program are planned for the current year.

**V. LITTERATURE CITED**

Froese, R., Pauly, D., 2000. FishBase 2000: Concepts, Design and Data Sources. ICLARM, Los Banos, Laguna, Philippines. 344 p (see also FishBase database: <http://www.fishbase.org>).

Sosebee, K. and P. Rago 2006. Status of Fisheries Resources off Northeastern US - Spiny Dogfish (<http://www.nefsc.noaa.gov/sos/spsyn/op/dogfish>).

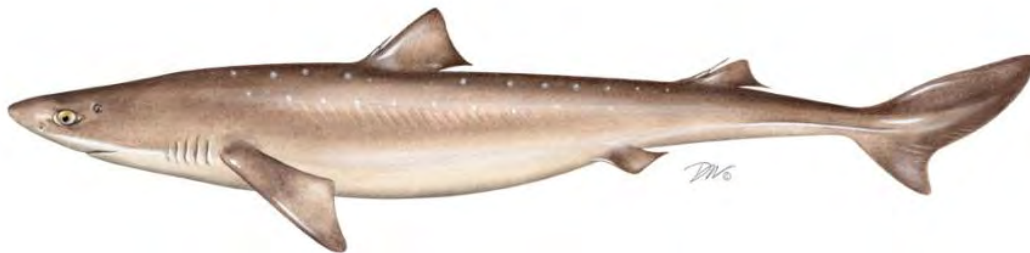
Table1 - Estimated recreational catches, releases, total harvest, and landings in numbers and weight (pounds) for spiny dogfish on Florida's Atlantic Coast, 1989-2012. Type A = Claimed fish. Type B1 = Harvested fish (not seen), and Type B2 = fish released alive.

| Year | Type A<br>(Numbers) | Type B1<br>(Numbers) | Type B2<br>(Numbers) | Type A+B1<br>(Numbers) | Type A+B1<br>(Pounds) | Type A+B1+B2<br>(Numbers) |
|------|---------------------|----------------------|----------------------|------------------------|-----------------------|---------------------------|
| 1989 | 0                   | 0                    | 2,177                | 0                      | 0                     | 2,177                     |
| 2005 | 389                 | 0                    | 63,122               | 389                    | 2,441                 | 63,511                    |
| 2006 | 0                   | 0                    | 532                  | 0                      | 0                     | 532                       |
| 2007 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |
| 2008 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |
| 2009 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |
| 2010 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |
| 2011 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |
| 2012 | 0                   | 0                    | 0                    | 0                      | 0                     | 0                         |

**2013 DRAFT REVIEW OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
FISHERY MANAGEMENT PLAN FOR**

**SPINY DOGFISH**  
*(Squalus acanthias)*

2012/2013 FISHING YEAR



**Spiny Dogfish Plan Review Team**

Dr. Gregory Skomal, Massachusetts Department of Marine Fisheries  
Tina Moore, North Carolina Department of Environment and Natural Resources  
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## I. Status of the Fishery Management Plan

|                                       |  |
|---------------------------------------|--|
| <u>Date of FMP Approval:</u>          | November 2002  |
| <u>Amendments</u>                     | None   |
| <u>Addenda</u>                        | Addendum I (November 2005)<br>Addendum II (October 2008)<br>Addendum III (April 2011)<br>Addendum IV (August 2012) |
| <u>Management Unit:</u>               | Entire coastwide distribution of the resource from the estuaries eastward to the inshore boundary of the EEZ       |
| <u>States With Declared Interest:</u> | Maine - Florida  |
| <u>Active Boards/Committees:</u>      | Spiny Dogfish and Coastal Shark Management Board, Advisory Panel, Technical Committee, and Plan Review Team        |

### a) Goals and Objectives

The Interstate Fishery Management Plan for Spiny Dogfish (FMP) established the following goals and objectives.

#### 2.2. GOALS

*The goal of the Interstate Fishery Management Plan for Spiny Dogfish is: "To promote stock rebuilding and management of the spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound."*

#### 2.3 OBJECTIVES

*In support of this goal, the following objectives are recommended for the Interstate FMP:*

- 1. Reduce fishing mortality and rebuild the female portion of the spawning stock biomass to prevent recruitment failure and support a more sustainable fishery.*
- 2. Coordinate management activities between state, federal and Canadian waters to ensure complementary regulations throughout the species range.*
- 3. Minimize the regulatory discards and bycatch of spiny dogfish within state waters.*
- 4. Allocate the available resource in a biologically sustainable manner that is equitable to all the fishers.*
- 5. Obtain biological and fishery related data from state waters to improve the spiny dogfish stock assessment that currently depends upon data from the federal bottom trawl survey.*

**b) Fisheries Management Plan Summary**

In 1998, NMFS declared spiny dogfish overfished and initiated the development of a joint fishery management plan (FMP) between the Mid-Atlantic (MAFMC) and New England Fishery Management Councils (NEFMC) in 1999. NMFS partially approved the federal Fishery Management Plan in September 1999, but implementation did not begin until May 2000, the start of the 2000-2001 fishing year.

In August 2000, ASMFC took emergency action to close state waters to the commercial harvest, landing, and possession of spiny dogfish when the federal waters closed in response to the quota being fully harvested. With the emergency action in place, the Commission had time to develop an interstate FMP, which prevented the undermining of the federal FMP and prevented further overharvest of the coastwide spiny dogfish population. Needing additional time to complete the interstate FMP, the ASMFC extended the emergency action twice through January 2003. During that time, the majority of spiny dogfish landings were from state waters because states had either no possession limits or less conservative possession limits than those of the federal FMP. The Interstate FMP for Spiny Dogfish was approved by ASMFC in November 2002 and was implemented for the 2003-2004 fishing year. In general, the ASMFC and Council FMP's strive to promote stock rebuilding and management of the spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound.

Both the ASMFC and Council FMP's established an annual quota that gets allocated seasonally between two periods (57.9% from May 1 to October 31 and 42.1% from November 1 to April 30). The seasonal periods can have separate possession limits that are specified on an annual basis. Both the Council and ASMFC FMP's also include paybacks for quota overages, allow for a five percent quota rollover once the stock is rebuilt, and allow for up to 1,000 spiny dogfish to be harvested for biomedical supply.

In November 2005, the Spiny Dogfish and Coastal Sharks Management Board approved Addendum I to the Interstate FMP for Spiny Dogfish. Addendum I provides the Board with the authority, but not the requirement, to establish spiny dogfish specifications (quota and possession limits) for up to five years. The Mid-Atlantic and New England Fishery Management Councils took similar action under Framework 1, recommending the adoption of multi-year management measures without the requirement of annual review to NOAA Fisheries for final approval. Framework 1 to the federal Spiny Dogfish FMP, which will allow the specification of commercial quotas and other management measures for up to five years, became effective February 21, 2006.

Addendum II, approved October 2008, established regional quotas in place of the FMP's seasonal allocation. Under Addendum II, the annual quota is divided regionally with 58% allocated to the states of Maine to Connecticut, 26% allocated to the states of New York to Virginia, and the remaining 16% allocated to North Carolina. The Board allocated a specific percentage to North Carolina because spiny dogfish are not available to their fishermen until late into the fishing season when most of the quota has already been harvested. The North Carolina allocation will allow fishermen and processors to plan fishing operations based on a specific amount of dogfish. Regional overage paybacks were also included in Addendum II to maintain

the conservation goals of the plan. Any overage of a region and/or state quota is subtracted from that region/state the subsequent fishing year.

The Commission's Spiny Dogfish and Coastal Sharks Management Board (Board) approved Addendum III to the Interstate Fishery Management Plan for Spiny Dogfish (Addendum III) in March 2011. Addendum III did not apply to the 2009/2010 fishing season and was not effective until the 2011/2012 fishing season. The Addendum divided the southern region annual quota of 42% into state-specific shares. It also allowed for quota transfer between states, rollovers of up to five percent, state-specified possession limits, and includes a three-year reevaluation of the measures. The Addendum's provisions apply only to states in the southern region (New York through North Carolina) and do not modify the northern region allocation. The states of Maine to Connecticut continue to share 58% of the annual quota as specified in Addendum II.

Addendum IV to the Interstate Fishery Management Plan for Spiny Dogfish (Addendum IV) was approved in August 2012. This Addendum addressed the differences in the definitions of overfishing between the NEFMC, MAFMC and the ASMFC. The Board adopted the fishing mortality threshold to be consistent with the federal plan. Overfishing is defined as an F rate that exceeds the  $F_{threshold}$ . The  $F_{threshold}$  is defined as FMSY (or a reasonable proxy thereof) and based upon the best available science. The maximum fishing mortality threshold (FMSY) or a reasonable proxy may be defined as a function of (but not limited to): total stock biomass, SSB, total pup production, and may include males, females, both, or combinations and ratios thereof which provide the best measure of productive capacity for spiny dogfish. This definition is consistent with the federal Spiny Dogfish FMP. Currently  $FMSY = 0.2439$ .

## II. Status of the Stock and Assessment Advice

Overfishing definition:  $F_{target} = 0.244$ ; allows for the production of 1.5 female pups per female that will recruit to the spawning stock biomass (SSB).

$F_{threshold} = 0.325$ ; allows for the production of one female pup per female that will recruit to the SSB.

Overfished Definition:  $SSB_{target} = 159,288 \text{ mt}$  (351 million pounds); level of biomass that would maximize recruitment to the population (100% SSBmax).

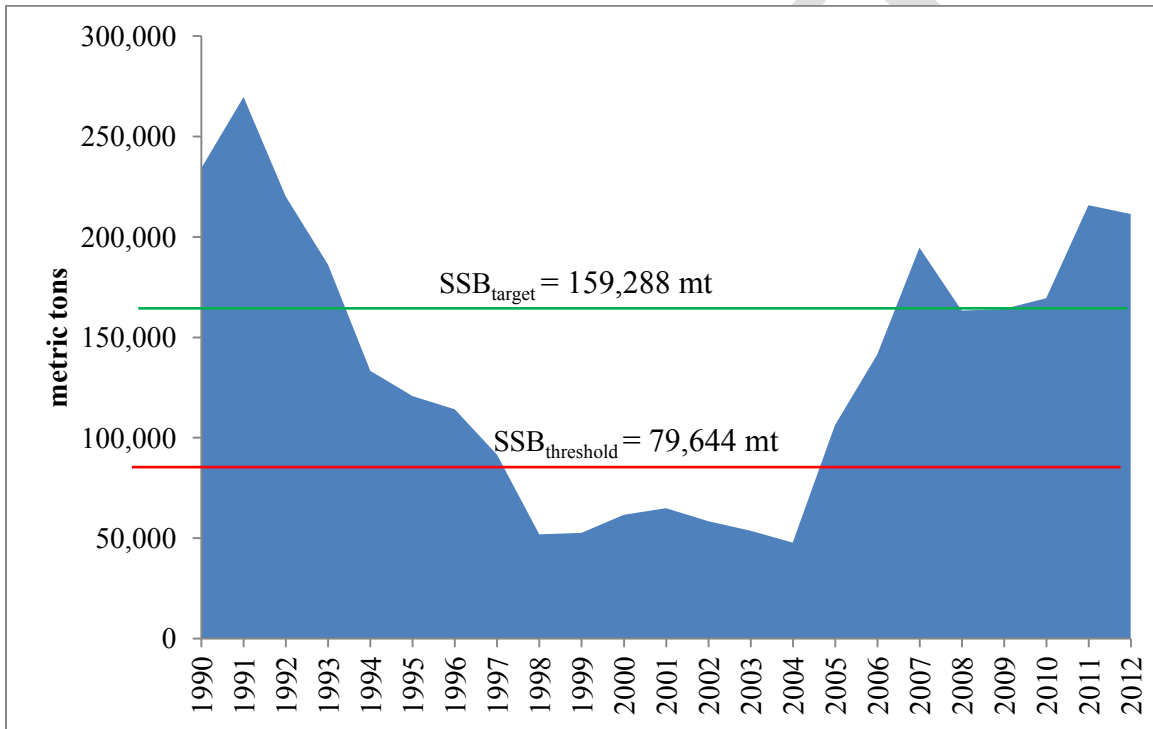
$SSB_{threshold} = 79,644 \text{ mt}$  (175 million pounds); 50% of SSBmax

*Spiny dogfish are not overfished and overfishing is not occurring:*

Spiny dogfish was declared 'rebuilt' in 2008 when SSB exceeded the target for the first time since the ASMFC began managing spiny dogfish in 2002. Prior to the 'rebuilt' status, quotas were based on the short term target  $F_{rebuild} = 0.11$ . The FMP allows for quotas based on  $F_{target}$  (as opposed to the more conservative  $F_{rebuild}$ ) "once the mature female portion of the spawning stock has reached the target".

The most recent estimates of SSB are from the NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40% report. The 2013 NEFSC report estimates that SSB continued to exceed the target in 2013 (for the fifth year in a row) at 211,372 metric tons.

The NEFSC report also provides the most recent estimate of F. F was 0.15 in 2012 and has been consistently below the fishing mortality target in recent years. As such, spiny dogfish are not overfished and overfishing is not occurring. Unfortunately, record low pup production from 1997 to 2003 has left a recruitment deficit that will cause SSB to drop soon. The amplitude of this drop increases as fishing mortality increases and still occurs when fishing mortality is hypothetically zero.



**Figure 1: Spiny dogfish spawning stock biomass, 1990 – 2012. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.**

**Table 1: Spawning stock biomass and fishing mortality in the spiny dogfish fishery, 1990 – 2013. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.**

| Year | Female SSB (mt) | F rate |
|------|-----------------|--------|
| 1991 | 234,229         | 0.082  |
| 1992 | 269,624         | 0.177  |
| 1993 | 220,002         | 0.327  |
| 1994 | 186,132         | 0.465  |
| 1995 | 133,264         | 0.418  |
| 1996 | 120,664         | 0.355  |
| 1997 | 114,091         | 0.234  |
| 1998 | 91,458          | 0.306  |
| 1999 | 51,821          | 0.289  |
| 2000 | 52,562          | 0.152  |
| 2001 | 61,552          | 0.109  |
| 2002 | 64,844          | 0.165  |
| 2003 | 58,376          | 0.168  |
| 2004 | 53,625          | 0.474  |
| 2005 | 47,719          | 0.128  |
| 2006 | 106,180         | 0.088  |
| 2007 | 141,351         | 0.09   |
| 2008 | 194,616         | 0.11   |
| 2009 | 163,256         | 0.113  |
| 2010 | 164,066         | 0.093  |
| 2011 | 169,415         | 0.114  |
| 2012 | 215,744         | 0.149  |
| 2013 | 211,372         | --     |

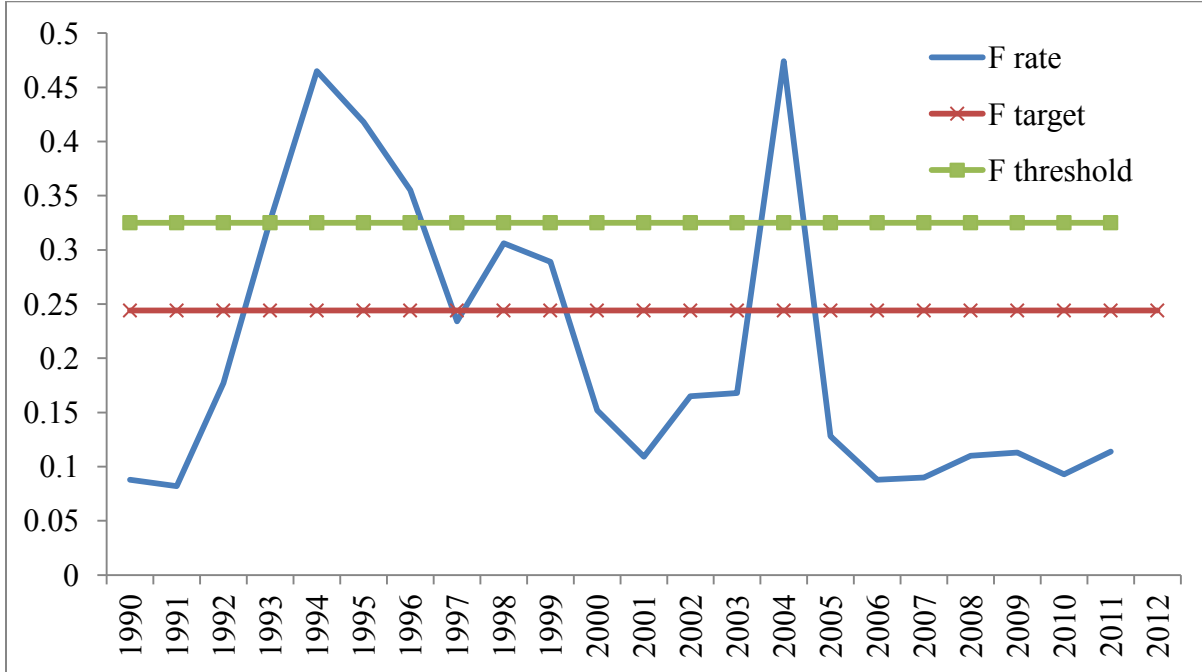


Figure 2: Fishing mortality rates in the spiny dogfish fishery, 1990 – 2012. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.

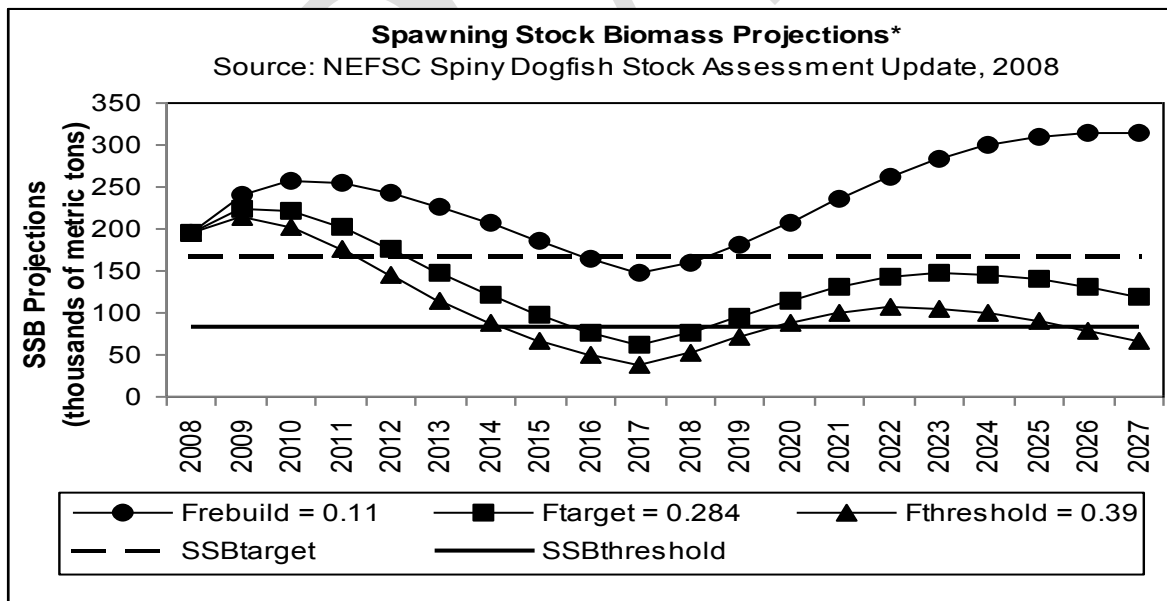


Figure 3: Spawning stock biomass (SSB) projections for the spiny dogfish fishery, 2008-2027. Source: NEFSC Update on the Status of Spiny Dogfish in 2010 and Initial Evaluation of Harvest Strategies.

III. Status of the Fishery

*Specifications*

The spiny dogfish commercial fishery runs from May 1 – April 30. The coastwide quota was set at 30 million pounds with a maximum of 3,000 pound possession limits for the 2012/2013 fishing season (May 1, 2012 – April 30, 2013).

*Quotas*

Prior to adjustments for overages and rollovers in the 2011/2012 fishing season, the 2012/2013 35.6 million pound coastwide quota was allocated with 20,702,520 pounds (58%) to states from Maine – Connecticut (Northern Region), 966,237 pounds (2.707%) to New York, 2,728,449 pounds (7.644%) to New Jersey, 319,818 pounds (0.896 %) to Delaware, 2,113,085 pounds (5.920%) to Maryland, 3,853,167 pounds (10.795%) to Virginia and the remaining 5,010,010 pounds (14.036%) to North Carolina. Addendum II specifies that when the quota allocated to a region or state is exceeded in a fishing season, the amount over the allocation will be deducted from the corresponding region or state in the subsequent fishing season. The overages for the 2011/2012 season (Northern region, New Jersey, and Virginia) are outlined in Table 2.

**Table 2: Regional quotas for May 1, 2012 - April 30, 2013 fishing season.**

| <b>Region/State</b>   | <b>2012/2013 Quotas</b> | <b>2011/2012 Overages (-) and Rollovers (+)</b> | <b>2012/2013 Adjusted Quotas</b> |
|-----------------------|-------------------------|---|----------------------------------|
| <b>Northern</b>       | 20,702,520              | -1,359,053                                      | 19,343,467                       |
| <b>New York</b>       | 966,237                 | +26,935   | 993,171                          |
| <b>New Jersey</b>     | 2,728,449               | -101,508  | 2,626,941                        |
| <b>Delaware</b>       | 319,818                 | +3,915  | 323,734                          |
| <b>Maryland</b>       | 2,113,085               | +13,113   | 2,126,197                        |
| <b>Virginia</b>       | 3,853,167               | -88,435   | 3,764,732                        |
| <b>North Carolina</b> | 5,010,010               | +20,844   | 5,030,854                        |

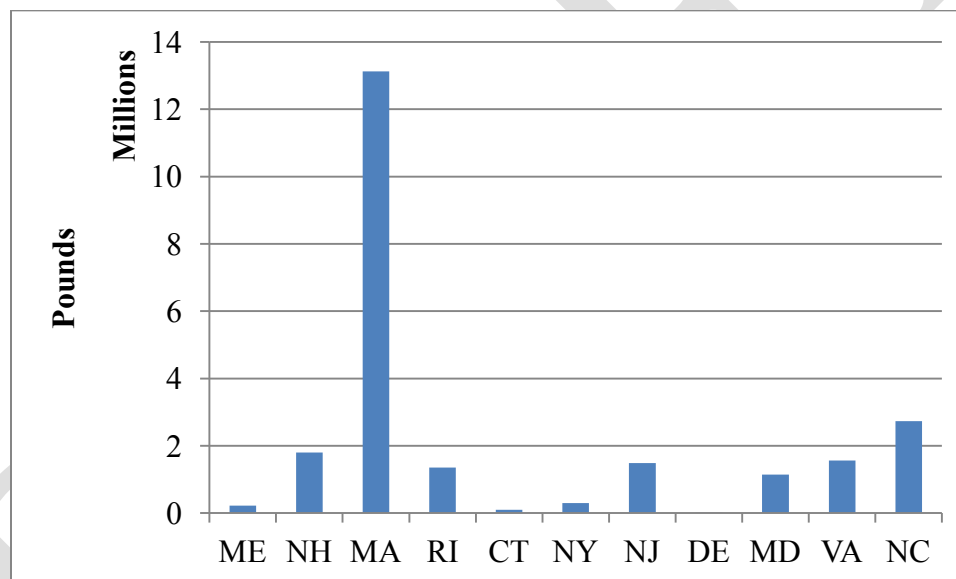
*Landings*

There were three overages during the 2011/2012 fishing season. The Northern region overharvested 1,359,053 pounds, New Jersey overharvested 101,508 pounds and Virginia overharvested 88,435 pounds. Overages from the 2010/2011 fishing season were primarily the result of late reports.

Commercial landings totaled 207,979,613 pounds during the 2012/2013 fishing season (Table 3). The increase coincides with the increased commercial quota set by the Board for that fishing season. Massachusetts (13,253,935 pounds), North Carolina (4,180,440 pounds), and Virginia (3,324,959 pounds) had the most significant commercial landings during the 2012/2013 fishing season.

**Table 3: Commercial landings of spiny dogfish on the Atlantic coast, 2012/2013 fishing year. Source: ACCSP Data Warehouse, September 23, 2013.**

| State Landed | Pounds            |
|--------------|-------------------|
| ME           | 226,770           |
| NH           | 1,805,494         |
| MA           | 13,130,538        |
| RI           | 1,351,254         |
| CT           | 97,312            |
| NY           | 299,385           |
| NJ           | 1,489,790         |
| DE           | 12,654            |
| MD           | 1,146,921         |
| VA           | 1,565,651         |
| NC           | 2,728,882         |
| <b>Total</b> | <b>23,854,651</b> |



**Figure 4: Commercial landings of spiny dogfish on the Atlantic coast, 2012/2013. Source: ACCSP Data Warehouse, September 23, 2013.**

Recreational landings of spiny dogfish on the Atlantic coast for the 2012/2013 fishing year remained insignificant at 41,887 pounds. This is less than 1% of total landings of spiny dogfish.

Canadian landings have averaged about 65 mt per year since 2010, with landings of 65 mt in 2012. The Canadian and foreign fleets in 2012 collectively accounted for only 202 mt.



**Table 4: Landings of spiny dogfish off the Atlantic coast by Canada and foreign fleets, 1991-2011.**

| <b>Year</b> | <b>Canada<br/>(mt)</b> | <b>Foreign<br/>Fleets<br/>(mt)</b> | <b>Total<br/>(mt)</b> |
|-------------|------------------------|------------------------------------|-----------------------|
| 1991        | 307                    | 234                                | 541                   |
| 1992        | 868                    | 67                                 | 935                   |
| 1993        | 1,435                  | 27                                 | 1462                  |
| 1994        | 1,820                  | 2                                  | 1822                  |
| 1995        | 956                    | 14                                 | 970                   |
| 1996        | 431                    | 236                                | 667                   |
| 1997        | 446                    | 214                                | 660                   |
| 1998        | 1,055                  | 607                                | 1662                  |
| 1999        | 2,091                  | 554                                | 2645                  |
| 2000        | 2,741                  | 402                                | 3143                  |
| 2001        | 3,820                  | 677                                | 4497                  |
| 2002        | 3,584                  | 474                                | 4058                  |
| 2003        | 1,302                  | 643                                | 1945                  |
| 2004        | 2,362                  | 330                                | 2692                  |
| 2005        | 2,270                  | 330                                | 2600                  |
| 2006        | 2,439                  | 10                                 | 2449                  |
| 2007        | 2,384                  | 31                                 | 2415                  |
| 2008        | 1,572                  | 131                                | 1703                  |
| 2009        | 113                    | 82                                 | 195                   |
| 2010        | 6                      | 127                                | 133                   |
| 2011        | 124                    | 143                                | 267                   |
| 2012        | 65                     | 137                                | 202                   |

Total dead discards were 4,848 metric tons (10,687,900 pounds) in 2012. Total dead discards have been between 4,000 and 6,000 metric tons since 1996 (Table 5) despite significant management changes and large fluctuations in annual landings.

**Table 5: Dead discards (metric tons) in the spiny dogfish commercial fishery on the Atlantic coast of the United States, 1981-2012. Source: NEFSC Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%.**

| Year | Otter trawl | Sink gill net | Scallop dredge | Line gear | Total dead discards |
|------|-------------|---------------|----------------|-----------|---------------------|
| 1981 | 18,180      | 1,608         | na             | na        | 19,847              |
| 1982 | 21,455      | 1,336         | na             | na        | 22,861              |
| 1983 | 21,094      | 1,213         | na             | na        | 22,415              |
| 1984 | 19,813      | 1,475         | na             | na        | 21,373              |
| 1985 | 16,677      | 1,362         | na             | na        | 18,232              |
| 1986 | 15,873      | 1,465         | na             | na        | 17,575              |
| 1987 | 14,525      | 1,459         | na             | na        | 16,195              |
| 1988 | 14,476      | 1,540         | na             | na        | 16,190              |
| 1989 | 14,143      | 1,608         | na             | na        | 16,020              |
| 1990 | 17,121      | 1,819         | na             | na        | 19,174              |
| 1991 | 9,661       | 3,309         | 24             | 10        | 13,274              |
| 1992 | 16,309      | 1,786         | 620            | 65        | 18,983              |
| 1993 | 8,642       | 2,944         | 157            | 4         | 11,969              |
| 1994 | 6,954       | 866           | 542            | na        | 8,556               |
| 1995 | 8,499       | 2,019         | 284            | na        | 10,932              |
| 1996 | 4,701       | 1,167         | 91             | na        | 6,025               |
| 1997 | 3,352       | 698           | 149            | na        | 4,366               |
| 1998 | 2,634       | 590           | 90             | na        | 3,435               |
| 1999 | 3,843       | 602           | 31             | na        | 4,581               |
| 2000 | 1,364       | 1,405         | 11             | na        | 2,917               |
| 2001 | 2,460       | 2,161         | 23             | na        | 5,063               |
| 2002 | 2,770       | 1,499         | 44             | 402       | 5,049               |
| 2003 | 1,927       | 1,624         | 77             | 0         | 4,225               |
| 2004 | 4,150       | 1,209         | 40             | 50        | 6,146               |
| 2005 | 3,758       | 1,001         | 11             | 118       | 5,589               |
| 2006 | 3,886       | 1,011         | 10             | 13        | 5,688               |
| 2007 | 4,058       | 1,540         | 45             | 7         | 6,510               |
| 2008 | 2,802       | 1,459         | 178            | 26        | 5,088               |
| 2009 | 3,505       | 1,462         | 273            | 84        | 5,897               |
| 2010 | 2,782       | 716           | 147            | 51        | 4,081               |
| 2011 | 3,270       | 849           | 170            | 36        | 4,787               |
| 2012 | 3,344       | 888           | 324            | 17        | 4,848               |

Total commercial landings in 2012 are estimated to be 97% female. Females composed an average of 93% of commercial catch since 2003 (NEFSC Update 2013).

#### **IV. Status of Research and Monitoring**

Under the Interstate Fishery Management for Spiny Dogfish, the states are not required to conduct any fishery dependent or independent studies. The Interstate FMP requires an annual review of recruitment, spawning stock biomass, and fishing mortality. The annual review relies heavily on the NEFSC's spring trawl survey data to determine the annual status of the stock. States are encouraged to submit any spiny dogfish information collected while surveying for other species. Research and monitoring information from state reports follows. States that are did not include research/monitoring information in their reports are not listed below. Please see individual reports for more information.

##### *Maine*

The spring portion of the 2012 Maine-New Hampshire Inshore Trawl Survey was conducted in the near shore waters of the Gulf of Maine. A total of 94 spiny dogfish were collected, 77 females and 17 males were caught. Males ranged from 26 to 57 cm and the females 25 to 88 cm.

The fall portion of the 2012 Trawl survey saw 119 dogfish. There were 65 males at lengths ranging from 26 cm to 82 cm. A total of 54 females were sampled at lengths ranging between 26 and 80 cm, numbers were distributed fairly evenly within the ranges for both sexes.

Mike Kersula, a student at the University of Maine, collected some dogfish stomach and tissue samples for a diet and condition study. Approximately 50 - 60 dogfish were sampled in 2012. All other dogfish collected in the survey were released alive.

##### *Connecticut*

Spiny dogfish abundance has been monitored in the Long Island Sound Trawl Survey since 1984. Spring (April, May and June) and fall (September and October) surveys are conducted each year.

Spiny dogfish are most consistently taken in the spring portion of the survey with between 0 and 123 fish caught per survey. Dogfish were more commonly taken in the early years of the survey (between 14 and 123 fish per survey from 1985 through 1991). Fewer than 10 fish per year were taken in 9 of the last 19 years. No spiny dogfish were taken during the spring survey in 1995, 1996 and 2000. The 2012 spring survey catch was 15 fish.

##### *Delaware*

Delaware has two fisheries independent trawl surveys that have the potential for taking spiny dogfish. The Adult Finfish Survey used a 30-foot bottom trawl and to monthly sample nine fixed stations in Delaware Bay from March through December in 2012. This survey has been conducted annually since 1990, and before that from 1966-1971 and 1979-1984 using essentially the same gear type. Ninety three spiny dogfish were taken in 2012 during 90 tows. Most of these were taken in April (56) with the others being taken in November (26) and December (11). Spiny dogfish catch per nautical mile in 2012 was 2% higher than in 2011. Female catch per nautical mile was 33% higher in 2012 than in 2011, but male catch dropped 60% during the same period.

The second fishery independent survey that has the potential for taking spiny dogfish is the 16-foot bottom trawl which is deployed monthly at 39 fixed stations in Delaware River and Delaware Bay and at 12 fixed stations in Delaware's Inland Bays. This survey is conducted from April through October. This gear includes a 0.5-inch mesh liner in the cod end of the trawl and it targets primarily juvenile fishes. There were no spiny dogfish taken with this gear in 2012 from either the Delaware Bay or Delaware's Inland Bays.

#### *Maryland*

There was limited biological sampling of catch onboard a commercial offshore trawler targeting horseshoe crabs on November 5, 2012. The 18.3 m (60 foot) trawl had a 15.24 cm (6 inch) mesh body with a 13.97 cm (5.5 inches) cod end. Dogfish were measured and sexed from the sub-sampled catch from the first two sets. Four Spiny Dogfish were measured from set 1 and eight from set 2. Females accounted for 11 dogfish and one was male. Lengths ranged in size from 775 mm TL (31 in.) to 921 mm TL (36 in.) and averaged 866 mm TL ( $\pm 15$ ; 34 in.).

#### *North Carolina*

Spiny dogfish were sampled from December 8 – 16, 2012 as part of the Cooperative Winter Tagging Cruise for Atlantic Striped Bass and Affiliated Species. The main goal of the cooperative winter tagging cruise is to tag striped bass in the Atlantic Ocean but occasionally tows contain few striped bass. Information is collected on striped bass and other affiliated species from each tow. Spiny dogfish captured in each tow were enumerated by sex and a subsample was measured. A total of 9,073 spiny dogfish were observed and total length was recorded on 5,985 individuals. Sampling occurred in near shore waters northeast of Diamond Shoals to the mouth of the Chesapeake Bay. Spiny dogfish were collected from 245 tows. Females represented 92% of the total catch. Length measurements were collected on 5,529 females and 456 males. No spiny dogfish were tagged during this year's cruise. The spiny dogfish work conducted during the cruises was in cooperation with the ASMFC, Mid-Atlantic Fishery Management Council, the National Marine Fisheries Service-Northeast Fisheries Science Center, the North Carolina Division of Marine Fisheries and East Carolina University.

The NCDMF initiated a fisheries independent gill net survey in 2001 and expanded its coverage in 2008 to include the Cape Fear River and the near shore (0-3 miles) Atlantic Ocean from New River Inlet south to the South Carolina state line. The objective of this project is to provide annual, independent, relative-abundance indices for key estuarine species in the near shore Atlantic Ocean, Pamlico Sound, Pamlico, Pungo, Neuse, and Cape Fear rivers. These indices can also be incorporated into stock assessments and used to improve bycatch estimates, evaluate management measures, and evaluate habitat usage. Results from this project will be used by the NCDMF and other Atlantic coast fishery management agencies to evaluate the effectiveness of current management measures and to identify additional measures that may be necessary to conserve marine and estuarine stocks. Developing fishery independent indices of abundance for target species allows the NCDMF to assess the status of these stocks without relying solely on commercial and recreational fishery dependent data. The survey employs a stratified random

sampling design and utilizes multiple mesh gill nets (3.0 inch to 6.5 inch stretched mesh, by ½ inch increments). A total of 110 spiny dogfish were caught in the Pamlico Sound portion of the independent gill net study from May 2012 to April 2013. A total of 1 male and 109 females were sampled. Total length ranged from 620 to 1010 millimeters and averaged 876 millimeters. Catches of spiny dogfish in the Cape Fear River were minimal with only one fish being captured. In the near shore Atlantic Ocean sampling, 1,137 individuals were captured from May 2012 to April 2013. A total of 101 males and 1,035 females were sampled. Total length ranged from 541 to 912 millimeters with an average total length of 775 millimeters. It should be noted that the independent gill net data is preliminary and has been updated only to March 2013.

#### *South Carolina*

The SCDNR's on-going nearshore bottom longline survey program documents the annual presence of spiny dogfish in South Carolina's nearshore coastal waters, typically beginning in mid-November. Relative abundance and residence time of spiny dogfish along the coast in general may be related to winter water temperatures along the east coast, with colder winters resulting in larger spiny dogfish populations and longer residence times in South Carolina waters than in more moderate temperature years. Adult females, many being pregnant, seem to make up a majority of the fish taken by sampling gear in this program, suggesting that South Carolina waters may play a role as valuable over-wintering grounds for this species.

#### *Georgia*

Each month, a 40-foot flat otter trawl with neither a turtle excluder device nor bycatch reduction device is deployed at 42 stations across six estuaries. At each station, a standard 15 minute tow is made. During this report period, 494 tows/observations were conducted, totaling 125 hours of tow time. Two spiny dogfish were captured in two separate trawls during January. Lengths for these fish were 845 mm TL and 963 mm TL.

### **V. Status of Management Measures and Issues**

#### *Fishery Management Plan*

Interstate Specifications for the 2012/2013 fishing season (See III Status of the Fishery on page 7 of this report for more details):

Coastwide quota: 30 million pounds

Maximum possession limit: 3,000 pounds

#### *Federal specifications*

Coastwide quota: 30 million pounds; Maximum possession limit: 3,000 pounds; Regional allocation.

#### *Canadian Regulations*

Spiny dogfish is listed as a "groundfish" in the Canada Department of Fisheries and Oceans (DFO) Atlantic Fishery Regulations and managed under their groundfish plan. In the Canadian Maritimes region (New Brunswick, Nova Scotia, and Prince Edward Island), a total allowable catch (TAC) of 2,500 mt has been established for a directed spiny dogfish using fixed gears

(longline, handline and gillnet) and Canadian landings have been significantly below this level for the past few years.

Other groundfish fleets are permitted bycatch only. The inshore and offshore dragger fleets are permitted to retain bycatch in the amount of 25 mt for vessels less than 65 feet and vessels larger in size have an annual cap of 10 mt. With the re-opening of the US east coast fishery and the subsequent reduction in market demand from US buyers, there is very little targeting of spiny dogfish in Canadian waters at this time.

## **VI. Implementation of FMP Compliance Requirements**

The mandatory components of the Interstate Fishery Management Plan are:

- States must close the fishery when the commercial quota is projected to be harvested in their region. (*4.1.2 Semi-Annual Quota Allocation of FMP*)
- Possession limits cannot exceed the maximum specified by the Board during the annual specification setting process. (*4.1.2.1 Annual Process for Setting Fishery Specifications of FMP*)
- States may issue exempted fishing permits for the purpose of biomedical supply not to exceed 1,000 spiny dogfish per year. States must report the amount of dogfish harvested under special permits annually. (*4.1.6 Biomedical Supply of FMP*)
- Up to 1,000 spiny dogfish may be taken for biomedical harvest per year.
- Finning is prohibited. (*4.1.7 Prohibition of Finning of FMP*)
- State permitted dealers must report weight weekly. (*4.1.4 Data Collection and Reporting Requirements of FMP*)
- States must report weight weekly to NMFS. (*4.1.4.2 Quota Monitoring of FMP*)

### *Biomedical Harvest*

In 2012, Mount Desert Island Biological Labs (MDIBL) in Maine was the only special license holder that collected dogfish for biomedical supply. A total of 232 spiny dogfish were purchased from a commercial fisherman from July 26 – August 25, 2012 from Maine coastal waters. Average length was 76 centimeters. All dogfish were used for biomedical research at MDIBL.

### *Scientific/Educations Permits*

Maine Department of Marine Resources (ME DMR) operates a public aquarium at its Boothbay Harbor laboratory facility. The Marine Resources Aquarium did not receive any spiny dogfish during the 2012 season.

Seventy scientific or educational collection permits were issued in North Carolina during the 2012-2013 fishing season. Of these seventy permits only three spiny dogfish were captured and released alive. Two spiny dogfish were caught in a trawl and one was caught in a dredge.

## **VII. PRT Recommendations**

### *State Compliance*

All states with a declared interest in the management of spiny dogfish have submitted reports, and have regulations in place that meet or exceed the requirements of the Interstate Fisheries Management Plan for Spiny Dogfish.

*De Minimis*

The ASMFC Interstate Fisheries Management Program Charter defines *de minimis* as “a situation in which, under the existing condition of the stock and scope of the fishery, conservation, and enforcement actions taken by an individual state would be expected to contribute insignificantly to a coastwide conservation program required by a Fishery Management Plan or amendment” (ASMFC 2000).

Under the Spiny Dogfish FMP, a state may be granted *de minimis* status if a state’s commercial landings of spiny dogfish are less than 1% of the coastwide commercial total. If a state meets this criterion, the state will be exempt from biological monitoring of the commercial spiny dogfish fishery. All states, including those granted *de minimis* status, will continue to report any spiny dogfish commercial or recreational landings within their jurisdiction.

When the spiny dogfish Interstate FMP was implemented in 2003, Maine, Delaware, South Carolina, Georgia, and Florida were granted *de minimis* status. To achieve *de minimis* status the FMP requires, “a state’s commercial landings of spiny dogfish to be less than 1% of the coastwide commercial total.” When given *de minimis* status, a state is exempted from biological monitoring of the commercial spiny dogfish fishery, but must continue to report both commercial and recreational spiny dogfish landings.

Delaware, South Carolina, Georgia, and Florida are requesting *de minimis* status for the 2013/2014 fishing season and meet the FMP requirements for achieving this status (Table 6). The PRT recommends granting all of these states *de minimis* status.

**Table 6: Percent landings by state during 2012/2013 fishing season. \* indicates a state that qualifies for *de minimis*. Source: ACCSP Data Warehouse, September 23, 2013.**

| State | Landings   | Coastwide Landings | % of Coastwide Landings |
|-------|------------|--------------------|-------------------------|
| ME    | 226,770    | 23,854,651         | 0.95%                   |
| NH    | 1,805,494  |                    | 7.57%                   |
| MA    | 13,130,538 |                    | 55.04%                  |
| RI    | 1,351,254  |                    | 5.67%                   |
| CT*   | 97,312     |                    | 0.41%                   |
| NY    | 299,385    |                    | 1.26%                   |
| NJ    | 1,489,790  |                    | 6.25%                   |
| DE*   | 12,654     |                    | 0.05%                   |
| MD    | 1,146,921  |                    | 4.81%                   |
| VA    | 1,565,651  |                    | 6.56%                   |
| NC    | 2,728,882  |                    | 11.44%                  |
| SC*   | 0          |                    | 0.00%                   |
| GA*   | 0          |                    | 0.00%                   |
| FL*   | 0          |                    | 0.00%                   |



**Table 7: State-by-state compliance with the Interstate Fishery Management Plan for Spiny Dogfish.**

|                       | <b>Report Submitted (Due July 1)</b> | <b><i>De Minimis</i> Request</b> | <b>Biomedical Permit Harvest</b>  | <b>Finning Prohibition</b> | <b>Possession limit</b>         |
|-----------------------|--------------------------------------|----------------------------------|---|----------------------------|---------------------------------|
| <b>Maine</b>          | Yes                                  | No                               | Yes: 232 Collected  | Yes                        | 3,000 lb                        |
| <b>New Hampshire</b>  | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>Massachusetts</b>  | Yes                                  | No                               | No  | No                         | 3,000 lb                        |
| <b>Rhode Island</b>   | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>Connecticut</b>    | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>New York</b>       | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>New Jersey</b>     | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>Delaware</b>       | Yes                                  | Yes, recommended                 | No  | Yes                        | 3,000 lb                        |
| <b>Maryland</b>       | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>Virginia</b>       | Yes                                  | No                               | No  | Yes                        | 3,000 lb                        |
| <b>North Carolina</b> | Yes                                  | No                               | No  | Yes                        | 5,000 lb                        |
| <b>South Carolina</b> | Yes                                  | Yes, Recommended                 | No  | Yes                        | 3,000 lb                        |
| <b>Georgia</b>        | Yes                                  | Yes, Recommended                 | No  | Yes                        | 1 fish bag limit / 30" min size |
| <b>Florida</b>        | Yes                                  | Yes, Recommended                 | Prohibit harvest, possession, purchase, sale, or exchange of spiny dogfish. |                            |                                 |

**Research Priorities**

- Determine area, season, and gear specific discard mortality estimates coast wide in the recreational, commercial, and non-directed (bycatch) fisheries. (SR 88)
- Monitor the level of effort and harvest in other fisheries as a result of no directed fishery for spiny dogfish. (SR 88 )
- Characterize and quantify bycatch of spiny dogfish in other fisheries. (SR 88)

## 2013 DRAFT SPINY DOGFISH FMP REVIEW

- Increase observer trips to document the level of incidental capture of spiny dogfish during the spawning stock rebuilding period. (SR 88)
- Conduct a coast wide tagging study to explore stock structure, migration, and mixing rates. (2010 TRAC, SR 88)
- Standardize age determination along the entire East Coast. Conduct an ageing workshop for spiny dogfish, encouraging participation by NEFSC, NCDMF, Canada DFO, other interested agencies, academia, and other international investigators with an interest in dogfish ageing (US and Canada Pacific Coast, ICES). (SR 88)

### References

NEFSC. 2013. Update on the Status of Spiny Dogfish in 2013 and Projected Harvests at the Fmsy Proxy and Pstar of 40%. Report to MAFMC SSC September 17, 2013. 51 p.

Special Report No. 88 of the Atlantic States Marine Fisheries Commission. 2008. Prioritized research needs in support of interjurisdictional fisheries management.

< <http://www.safmc.net/Portals/0/FEP/AppendAFEPVolIVInterResNeeds08.pdf> >

TRAC (Transboundary Resource Assessment Committee) Spiny Dogfish Review Proceedings. 2010.

< <http://www.mar.dfo-mpo.gc.ca/science/TRAC/trac.html> >

substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

- Does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 et seq.

Dated: August 8, 2013.

**Jared Blumenfeld,**

*Regional Administrator, Region IX.*

[FR Doc. 2013–20654 Filed 8–22–13; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 130402317–3707–01]

RIN 0648–XC611

#### Atlantic Highly Migratory Species; 2014 Atlantic Shark Commercial Fishing Season

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This proposed rule would establish opening dates and adjust quotas for the 2014 fishing season for the Atlantic commercial shark fisheries. Quotas would be adjusted as allowable based on any over- and/or underharvests experienced during 2013 and previous fishing seasons. In addition, NMFS proposes season openings based on adaptive management measures 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, including the Gulf of Mexico and Caribbean Sea.

**DATES:** Written comments will be accepted until September 23, 2013.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2013–0112, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0112](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0112), click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope “Comments on the Proposed Rule to Establish Quotas and Opening Dates for the 2014 Atlantic Shark Commercial Fishing Season.”

- *Fax:* 301–427–8503, Attn: Karyl Brewster-Geisz or Guý DuBeck.

*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](http://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). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Guý DuBeck or Karyl Brewster-Geisz at 301–427–8503.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Atlantic commercial shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated Highly Migratory Species (HMS) Fishery Management Plan (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, among other things, commercial quotas for species and management groups, accounting measures for under- and overharvests for the shark fisheries, and adaptive management measures such as flexible opening dates for the fishing season and inseason adjustments to shark trip limits, which provide management flexibility in furtherance of equitable fishing opportunities, to the extent practicable, for commercial shark fishermen in all regions and areas.

##### Accounting for Under- and Overharvests

This proposed rule would adjust the quota levels for the different shark stocks and management groups for the 2014 Atlantic commercial shark fishing season based on over- and underharvests that occurred during 2013 and previous fishing seasons, consistent with existing regulations at 50 CFR 635.27(b)(2). Over- and underharvests are accounted for in the same region and/or fishery in which they occurred the following year or, for overharvests, spread over a number of subsequent fishing years to a maximum of 5 years. Shark stocks or management groups that contain one or more stocks that are overfished, have overfishing occurring, or that have an unknown status, will not have underharvest carried over in the following year. Stocks that are not overfished and have

no overfishing occurring may have any underharvest carried over in the following year, up to 50 percent of the base quota.

For the sandbar shark, aggregated large coastal shark (LCS), hammerhead shark, blacknose shark, blue shark, and pelagic shark (other than porbeagle or blue sharks) management groups, the 2013 underharvests cannot be carried over to the 2014 fishing season because those stocks or management groups have been determined to be overfished, overfished with overfishing occurring, or have an unknown status. The porbeagle shark management group was not opened in 2013 due to overharvests from both 2011 and 2012 (2.1 mt dw; 4,622 lb dw). Since these overharvests exceeded the 2013 porbeagle base quota, we still need to reduce the 2014 base quota to account for the remaining overharvest (0.4 mt dw; 824 lb dw). Thus, for all of these management groups, the 2014 proposed quotas would be equal to the appropriate base quota minus any overharvests that occurred in 2013 and previous fishing seasons, as applicable.

For Gulf of Mexico blacktip shark and non-blacknose small coastal shark (SCS) management groups, which have been determined not to be overfished and have no overfishing occurring, available underharvest (up to 50 percent of the base quota) from the 2013 fishing season can be applied to the 2014 quota, and we propose to do so in 2014.

#### *2014 Proposed Quotas*

This rule proposes adjustments to the base commercial quotas due to over- and underharvests that occurred in 2013 and previous fishing seasons, where allowable, taking into consideration the stock status as required under existing regulations.

The quotas in this proposed rule are based on dealer reports received as of July 16, 2013. In the final rule, we will adjust the quotas based on dealer reports received as of November 15, 2013. Thus, all of the 2014 proposed quotas for the respective stocks and management groups will be subject to further adjustment after we consider the November 15 landings data. All dealer reports that are received after November 15, 2013, will be used to adjust the 2015 quotas, as appropriate.

We are proposing to spread the 2012 overharvest of the blacknose shark quota

across 5-years in both the Atlantic and Gulf of Mexico regions. In the final rule establishing quotas for the 2013 shark season (77 FR 75896; December 26, 2012), we established the blacknose shark quota as the base quota without adjustment, as dealer reports received by November 15, 2012, did not indicate any overharvest. However, after that final rule published, we received late dealer reports with blacknose shark landings from both before and after November 15, 2012, that indicated the 2012 blacknose shark quota was exceeded by 18 percent or 3.5 mt dw. Since that final rule published, we have finalized and implemented Amendment 5a to the 2006 Consolidated HMS FMP, which, among other things, established Atlantic and Gulf of Mexico regional quotas for blacknose sharks. Because the 2012 overharvest was the result of landings in both the Atlantic and Gulf of Mexico regions, to account for the overharvest amount, we are proposing to split the total overharvest between the regions based on the percent of landings of blacknose sharks reported in each region. Seventy-two percent of the 3.5 mt dw overharvest (2.5 mt dw) would therefore count against the Atlantic region quota and 28 percent or 1.0 mt dw would count against the Gulf of Mexico region quota.

Current regulations allow us to spread out the overharvest accounting over as many as 5 years, depending on the status of the stock. We are proposing to spread out the overharvest accounting over 5 years, the maximum allowable time period, and we are specifically requesting comments on whether we should adjust the quotas over 5 or fewer years (2, 3, or 4) or simply account for the entire overharvest in 2014. As described below, we are proposing to spread the overharvest over 5 years based on economic and ecological impacts. In the Atlantic region, accounting for the overharvest over 5 years would result in an overharvest reduction of 0.5 mt dw per year, each year through 2018. The 0.5 mt dw reduction represents only 3 percent of the Atlantic region blacknose quota and thus would have minor economic impacts on the fishermen and neutral ecological impacts on the stocks over 5 years. If we reduced the 2014 quota by the full overharvest amount (2.5 mt dw) in 1 year, this 14 percent reduction from

the base quota could negatively impact fishermen because the reduced quota would be below regional landings from past fishing seasons and could result in closing the SCS fishery in the Atlantic region earlier than it would otherwise close because of the linkage to and reduced quota within the blacknose management group. If the entire SCS fishery in the Atlantic region is closed early, then our ability to collect data on all SCS, including blacknose sharks, and therefore conduct stock assessments, could be impeded for the time period that the fishery is closed. We do not believe that accounting for the overharvests over time (0.5 mt dw per year for 5 years) would affect the status of the Atlantic blacknose stock.

In the Gulf of Mexico region, accounting for all of the overharvest in 1 year would substantially reduce the Gulf of Mexico regional blacknose quota and potentially close the regional non-blacknose SCS quota substantially earlier than it would otherwise close due to the quota linkage. Similar to the situation described above, if the entire SCS fishery in the Gulf of Mexico region is closed early, then our ability to collect data on all SCS, including blacknose sharks, and therefore conduct stock assessments, could be impeded for the time period that the fishery is closed. Because the Gulf of Mexico overharvest is relatively large compared to the Atlantic region, it is likely the closure would last longer and could be most of the year. However, spreading out the overharvest accounting across 5 years would result in 0.2 mt dw being taken from the Gulf of Mexico regional base quotas every year through 2018. We do not believe that accounting for the overharvest over time would impede rebuilding of the Gulf of Mexico blacknose stock since the ecological impacts would be neutral.

For the porbeagle shark management group, we are proposing to reduce the 2014 annual quota to account for overharvests from 2011 and 2012. While the management group was closed in 2013, we still need to account for part of the 2011 and 2012 overharvests. Nevertheless, based on landings to date, we do expect the porbeagle shark management group to open in 2014.

The proposed 2014 quotas by species and management group are summarized in Table 1.

Table 1. 2014 Proposed Quotas and Opening Dates for the Atlantic Shark Management Groups. All quotas and landings are dressed weight (dw), in metric tons (mt), unless specified otherwise. Table includes landings data as of July 16, 2013; final quotas are subject to change based on landings as of November 15, 2013.

| Management Group                   | Region             | 2013 Annual Quota (A)                      | Preliminary 2013 Landings <sup>1</sup> (B) | Adjustments (C)                           | 2014 Base Annual Quota (D)     | 2014 Proposed Annual Quota (D+C) | Season Opening Dates        |
|------------------------------------|--------------------|--|--|---|--------------------------------|----------------------------------|-----------------------------|
| Aggregated Large Coastal Sharks    | Gulf of Mexico     | 157.5 mt dw<br>(347,317 lb dw)             | 147.6 mt dw<br>(325,476 lb dw)             | -   | 157.5 mt dw<br>(347,317 lb dw) | 157.5 mt dw<br>(347,317 lb dw)   | On or about January 1, 2014 |
|                                    | Atlantic           | 168.9 mt dw<br>(372,552 lb dw)             | 88.1 mt dw<br>(194,327 lb dw)              | -   | 168.9 mt dw<br>(372,552 lb dw) | 168.9 mt dw<br>(372,552 lb dw)   |                             |
| Blacktip Sharks                    | Gulf of Mexico     | 256.6 mt dw<br>(565,700 lb dw)             | 231.3 mt dw<br>(509,984 lb dw)             | 25.3 mt dw<br>(55,716 lb dw)              | 256.6 mt dw<br>(565,700 lb dw) | 281.9 mt dw<br>(621,416 lb dw)   |                             |
| Hammerhead Sharks                  | Gulf of Mexico     | 25.3 mt dw<br>(55,722 lb dw)               | 10.1 mt dw<br>(22,156 lb dw)               | -   | 25.3 mt dw<br>(55,722 lb dw)   | 25.3 mt dw<br>(55,722 lb dw)     |                             |
|                                    | Atlantic           | 27.1 mt dw<br>(59,736 lb dw)               | 8.4 mt dw<br>(18,523 lb dw)                | -   | 27.1 mt dw<br>(59,736 lb dw)   | 27.1 mt dw<br>(59,736 lb dw)     |                             |
| Non-Sandbar LCS Research           | No regional quotas | 50.0 mt dw<br>(110,230 lb dw)              | 10.7 mt dw<br>(23,582 lb dw)               | -   | 50.0 mt dw<br>(110,230 lb dw)  | 50.0 mt dw<br>(110,230 lb dw)    |                             |
| Sandbar Shark Research             |                    | 116.6 mt dw<br>(257,056 lb dw)             | 27.2 mt dw<br>(59,884 lb dw)               | -   | 116.6 mt dw<br>(257,056 lb dw) | 116.6 mt dw<br>(257,056 lb dw)   |                             |
| Non-Blacknose Small Coastal Sharks | Gulf of Mexico     | 67.7 mt dw<br>(149,161 lb dw) <sup>2</sup> | 36.8 mt dw<br>(81,062 lb dw)               | 22.8 mt dw<br>(50,159 lb dw) <sup>3</sup> | 45.5 mt dw<br>(100,317 lb dw)  | 68.3 mt dw<br>(150,476 lb dw)    |                             |

|   |                    |   |                               |   |                                  |                                  |  |
|---|--------------------|---|-------------------------------|---|----------------------------------|----------------------------------|--|
|   | Atlantic           | 261.5 mt dw<br>(576,484 lb dw) <sup>2</sup> | 53.5 mt dw<br>(117,985 lb dw) | 88.0 mt dw<br>(194,111 lb dw) <sup>4</sup>                | 176.1 mt dw<br>(388,222 lb dw)   | 264.1 mt dw<br>(582,333 lb dw)   |  |
| Blacknose Sharks                            | Gulf of Mexico     | 2.0 mt dw<br>(4,513 lb dw)                  | 0.6 mt dw<br>(1,411 lb dw)    | -0.2 mt dw<br>(-437 lb dw) <sup>5</sup>                   | 2.0 mt dw<br>(4,513 lb dw)       | 1.8 mt dw<br>(4,076 lb dw)       |  |
|   | Atlantic           | 18.0 mt dw<br>(39,749 lb dw)                | 10.8 mt dw<br>(23,784 lb dw)  | -0.5 mt dw<br>(-1,111 lb dw) <sup>5</sup>                 | 18.0 mt dw<br>(39,749 lb dw)     | 17.5 mt dw<br>(38,638 lb dw)     |  |
| Blue Sharks                                 | No regional quotas | 273.0 mt dw<br>(601,856 lb dw)              | 4.5 mt dw<br>(9,885 lb dw)    | -   | 273.0 mt dw<br>(601,856 lb dw)   | 273.0 mt dw<br>(601,856 lb dw)   |  |
| Porbeagle Sharks                            |                    | 0 mt dw<br>(0 lb dw)                        | 0 mt dw<br>(0 lb dw)          | -0.4 <sup>6</sup><br>(adjustments from 2012 overharvests) | 1.7 mt dw<br>(3,748 lb dw)       | 1.3 mt dw<br>(2,874 lb dw)       |  |
| Pelagic Sharks Other Than Porbeagle or Blue |                    | 488 mt dw<br>(1,075,856 lb dw)              | 55.5 mt dw<br>(122,342 lb dw) | -   | 488.0 mt dw<br>(1,075,856 lb dw) | 488.0 mt dw<br>(1,075,856 lb dw) |  |

<sup>1</sup> Landings are from January 1, 2013, until July 16, 2013, and are subject to change.

<sup>2</sup> As described in the final rule for Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318, July 3, 2013), the non-blacknose SCS quota was under-harvested in 2012 by 107.6 mt dw and we carried that underharvest to the 2013 fishing season. Since Amendment 5a to the 2006 Consolidated HMS FMP established regional non-blacknose SCS quotas, we split that underharvest amount based on the regional landings (79.4 percent in the Atlantic and 20.6 percent in the Gulf of Mexico), and adjusted the 2013 Atlantic and Gulf of Mexico regional non-blacknose SCS quotas accordingly to be 45.5 mt for Atlantic non-blacknose SCS and 176.1 mt for Gulf of Mexico non-blacknose SCS.

<sup>3</sup> This adjustment accounts for underharvest in 2013. While the total underharvest is 30.9 mt dw, we may account for underharvest only up to 50 percent of the base annual quota or 22.8 mt dw (50,159 lb dw).

<sup>4</sup> This adjustment accounts for underharvest in 2013. While the total underharvest is 208 mt dw, we may account for underharvest only up to 50 percent of the base annual quota or 88.0 mt dw (194,111 lb dw).

<sup>5</sup> This adjustment accounts for overharvest in 2012. After the final rule establishing the 2012 quotas published, late dealer reports indicated the blacknose shark quota was overharvested by 3.5 mt dw (7,742 lb dw). Since Amendment 5a to the 2006 Consolidated HMS FMP established regional quotas, we propose a 5-year adjustment of the overharvest amount by the percentage of landings in 2012. Thus, we propose to reduce the Gulf of Mexico blacknose sharks by 0.2 mt dw (437 lb dw) and the Atlantic blacknose sharks by 0.5 mt dw (1,111 lb dw) for the next 5 years.

<sup>6</sup> This adjustment accounts for overharvest in 2011 and 2012. In 2013, we did not open the porbeagle shark management group due to overharvest from 2011 and 2012 (2.1 mt dw; 4,622 lb dw). This overharvest amount exceeded the 2013 base annual quota by 0.4 mt dw (874 lb dw), therefore, 0.4 mt dw (874 lb dw) is proposed to be reduced from the 2014 base annual quota.

## BILLING CODE 3510-22-P

#### 1. Proposed 2014 Quotas for the Aggregated Large Coastal Sharks in the Gulf of Mexico Region

The 2014 proposed quota for aggregated large coastal sharks in the Gulf of Mexico region is 157.5 mt dw (347,317 lb dw). As of July 16, 2013, preliminary reported landings for aggregated large coastal sharks in the Gulf of Mexico region were at 94 percent (147.6 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Given the unknown status of some of the shark species within the Gulf of Mexico aggregated large coastal shark management group, underharvests cannot be carried over to 2014 pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for aggregated large coastal sharks in the Gulf of Mexico region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

#### 2. Proposed 2014 Quotas for the Aggregated Large Coastal Sharks in the Atlantic Region

The 2014 proposed quota for aggregated large coastal sharks in the Atlantic region is 168.9 mt dw (372,552 lb dw). As of July 16, 2013, preliminary reported landings for aggregated large coastal sharks in the Atlantic region were at 52 percent (88.1 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Given the unknown status of some of the shark species within the Atlantic aggregated large coastal shark management group, any underharvests cannot be accounted for pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for aggregated large coastal sharks in the Atlantic region, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

#### 3. Proposed 2014 Quotas for the Blacktip Sharks in the Gulf of Mexico Region

The 2014 proposed quota for blacktip sharks in the Gulf of Mexico region is 281.9 mt dw (621,416 lb dw). As of July 16, 2013, preliminary reported landings for blacktip sharks in the Gulf of Mexico region were at 90 percent (231.3 mt dw) of their 2013 quota levels. Reported

landings have not exceeded the 2013 quota to date. Gulf of Mexico blacktip sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2), any underharvests for blacktip sharks within the Gulf of Mexico region therefore could be applied to the 2014 quotas as allowable. During the 2013 fishing season to date, the Gulf of Mexico blacktip shark quota has been underharvested by 25.3 mt dw (55,716 lb dw). Accordingly, we propose to increase the 2014 Gulf of Mexico blacktip shark quota to adjust for anticipated underharvests in 2013 as allowed. The proposed 2014 adjusted base annual quota for Gulf of Mexico blacktip sharks is 281.9 mt dw (621,416 lb dw) (256.6 mt dw annual base quota + 25.3 mt dw 2013 underharvest = 281.9 mt dw 2014 adjusted annual quota).

#### 4. Proposed 2014 Quotas for Hammerhead Sharks in the Gulf of Mexico and Atlantic Region

The 2014 proposed commercial quotas for hammerhead sharks in the Gulf of Mexico and Atlantic regions are 25.3 mt dw (55,722 lb dw) and 27.1 mt dw (59,736 lb dw), respectively. As of July 16, 2013, preliminary reported landings for hammerhead sharks were at 40 percent (10.1 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 31 percent (8.4 mt dw) of their 2013 quota levels in the Atlantic region. Reported landings have not exceeded the 2013 quota to date. Given the overfished status of hammerhead sharks, any underharvests cannot be accounted for pursuant to § 635.27(b)(2). Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas for hammerhead sharks in the Gulf of Mexico and Atlantic regions, because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

#### 5. Proposed 2014 Quotas for Research Large Coastal Sharks and Sandbar Sharks Within the Shark Research Fishery

The 2014 proposed commercial quotas within the shark research fishery are 50.0 mt dw (110,230 lb dw) for research large coastal sharks and 116.6 mt dw (257,056 lb dw) for sandbar sharks. Within the shark research fishery, as of July 16, 2013, preliminary reported landings of research large coastal sharks were at 21 percent (10.7 mt dw) of their 2013 quota levels, and sandbar shark reported landings were at

23 percent (27.2 mt dw) of their 2013 quota levels. Reported landings have not exceeded the 2013 quota to date. Under § 635.27(b)(2), because sandbar sharks and scalloped hammerhead sharks within the research large coastal shark management group have been determined to be either overfished or overfished with overfishing occurring, underharvests for these management groups would not be applied to the 2014 quotas. Therefore, based on preliminary estimates and consistent with the current regulations at § 635.27(b), we are not proposing to adjust 2014 quotas in the shark research fishery because there have not been any overharvests and because underharvests cannot be carried over due to stock status.

#### 6. Proposed 2013 Quotas for the Non-Blacknose Small Coastal Sharks in the Gulf of Mexico and Atlantic Regions

The 2014 proposed annual commercial quotas for non-blacknose small coastal sharks in the Gulf of Mexico and Atlantic regions are 68.3 mt dw (150,476 lb dw) and 264.1 mt dw (582,333 lb dw), respectively. As of July 16, 2013, preliminary reported landings of non-blacknose small coastal sharks were at 54 percent (36.8 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 20 percent (53.5 mt dw) of their 2013 quota levels in the Atlantic region. Non-blacknose small coastal sharks have not been declared to be overfished, to have overfishing occurring, or to have an unknown status. Pursuant to § 635.27(b)(2), any underharvests for the non-blacknose small coastal sharks therefore could be applied to the 2014 quotas. During the 2013 fishing season to date, the non-blacknose small coastal shark quota has been underharvested by 46.6 mt dw (102,666 lb dw) in the Gulf of Mexico region and 221.5 mt dw (488,103 lb dw) in the Atlantic region. Consistent with current regulations at § 635.27(b)(2), we may increase the 2014 base annual quota by an equivalent amount of the underharvest up to 50 percent above the base annual quota. Accordingly, we propose to increase the 2014 non-blacknose small coastal shark quota to adjust for anticipated underharvests in 2013 as allowed. The proposed 2014 adjusted base annual quota for non-blacknose small coastal sharks in the Gulf of Mexico region is 68.3 mt dw (150,476 lb dw) (45.5 mt dw annual base quota + 22.8 mt dw 2013 underharvest = 68.3 mt dw 2014 adjusted annual quota). The proposed 2014 adjusted base annual quota for non-blacknose small coastal sharks in the Atlantic region is 264.1 mt dw (582,333 lb dw) (176.1 mt dw annual base quota + 88.0

mt dw 2013 underharvest = 264.1 mt dw 2014 adjusted annual quota).

#### 7. Proposed 2014 Quotas for Blacknose Sharks in the Gulf of Mexico and Atlantic Region

The 2014 proposed annual commercial quotas for blacknose sharks in the Gulf of Mexico and Atlantic regions are 1.8 mt dw (4,076 lb dw) and 17.5 mt dw (38,638 lb dw), respectively. As of July 16, 2013, preliminary reported landings of blacknose sharks were at 31 percent (0.6 mt dw) of their 2013 quota levels in the Gulf of Mexico region, and were at 60 percent (10.8 mt dw) of their 2013 quota levels in the Atlantic region. The 2013 commercial quotas have not been reached or exceeded. Blacknose sharks have been declared to have an unknown status in the Gulf of Mexico region and declared to be overfished with overfishing occurring in the Atlantic region. Pursuant to § 635.27(b)(2), any overharvests of blacknose sharks would be applied to the regional quotas over a maximum of 5 years. As described above, the 2012 blacknose quota was overharvested so we are proposing to adjust the regional quotas over 5 years to mitigate the impacts of adjusting for the overharvest in 1 year. Therefore, consistent with § 635.27(b), the 2014 proposed adjusted base quota for blacknose sharks in the Gulf of Mexico region is 1.8 mt dw (4,076 lb dw) (2.0 mt dw annual base quota – 0.2 mt dw 2012 adjusted 5-year overharvest = 1.8 mt dw 2014 adjusted annual quota). In the Atlantic region, the 2014 proposed adjusted base quota for blacknose sharks is 17.5 mt dw (38,638 lb dw) (18.0 mt dw annual base quota – 0.5 mt dw 2012 adjusted 5-year overharvest = 17.5 mt dw 2014 adjusted annual quota).

#### 8. Proposed 2014 Quotas for Pelagic Sharks

The 2014 proposed annual commercial quotas for blue sharks, porbeagle sharks, and pelagic sharks (other than porbeagle or blue sharks) are 273 mt dw (601,856 lb dw), 1.3 mt dw (2,874 lb dw), and 488 mt dw (1,075,856 lb dw), respectively.

As of July 16, 2013, preliminary reported landings of blue sharks and pelagic sharks (other than porbeagle and blue sharks) were at 2 percent (4.5 mt dw) and 11 percent (55.5 mt dw) of their 2013 quota levels, respectively. These pelagic species are overfished, have overfishing occurring, or have an unknown status. Therefore, the 2014 proposed quotas would be the base annual quotas (without adjustment) for blue sharks and pelagic sharks (other than blue and porbeagle sharks), or 273

mt dw (601,856 lb dw) and 488 mt dw (1,075,856 lb dw), respectively.

As of July 16, 2013, preliminary reported landings of porbeagle sharks was 0 percent (0 mt dw) of its 2013 quota levels, respectively. Porbeagle sharks have been declared to be overfished with overfishing occurring. Pursuant to § 635.27(b), any overharvests of porbeagle sharks would be applied to the 2014 quotas. As described above, the overharvests from 2011 and 2012 exceeded the 2013 base annual quota by 0.4 mt dw (874 lb dw). Consistent with § 635.27(b), we are proposing to adjust the 2014 quota to account for the remaining amount of overharvest. Thus, the proposed 2014 adjusted annual commercial porbeagle quota is 1.3 mt dw (2,874 lb dw) (1.7 mt dw annual base quota – 0.4 mt dw 2011/2012 overharvest = 1.7 mt dw 2014 adjusted annual quota).

#### *Proposed Fishing Season Notification for the 2013 Atlantic Commercial Shark Fishing Season*

For each fishery, we considered the seven “Opening Fishing Season Criteria” listed at § 635.27(b)(3). These include:

- (i) The available annual quotas for the current fishing season for the different species/management groups based on any over- and/or underharvests experienced during the previous commercial shark fishing seasons;
- (ii) Estimated season length based on available quota(s) and average weekly catch rates of different species and/or management group from the previous years;
- (iii) Length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years;
- (iv) Variations in seasonal distribution, abundance, or migratory patterns of the different species/management groups based on scientific and fishery information;
- (v) 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;
- (vi) Effects of the adjustment on accomplishing the objectives of the 2006 Consolidated HMS FMP and its amendments; and/or,
- (vii) Effects of a delayed opening with regard to fishing opportunities in other fisheries.

Specifically, we examined the 2013 and previous fishing years’ over- and/or underharvests of the different management groups to determine the effects of the 2014 proposed quotas on fishermen across regional fishing area. We also examined the potential season length and previous catch rates to ensure that equitable fishing opportunities would be provided to fishermen. Lastly, we examined the seasonal variation of the different

species/management groups and the effects on fishing opportunities.

We propose that the 2014 Atlantic commercial shark fishing season for all shark management groups in the northwestern Atlantic Ocean, including the Gulf of Mexico and the Caribbean Sea, open on or about January 1, 2014, with the publication of the final rule for this action.

In the Gulf of Mexico region, opening the fishing season again on or about January 1 for aggregated large coastal sharks, blacktip sharks, and hammerhead sharks would provide, to the extent practicable, equitable opportunities across the fisheries management region as it did for the 2013 fishing season. This opening date is consistent with all the criteria listed in § 635.27(b)(3), but particularly with the criterion that we consider the length of the season for the different species and/or management group in the previous years and whether fishermen were able to participate in the fishery in those years.

In the Atlantic region, we propose opening the aggregated LCS and hammerhead shark management groups on or about January 1, 2014. In 2013, we opened the fishery at the beginning of the year to allow for more equitably distributed shark fishing opportunities, as intended by Amendment 2 to the 2006 Consolidated HMS FMP. Since the HMS Electronic Dealer Reporting System was implemented on January 1, 2013, we have been able to manage the quotas on a weekly basis to ensure equitable fishing opportunities. In addition, we may use the inseason trip limit adjustment criteria to allow more equitable fishing opportunities across the fishery. These equitable fishing opportunities across the fishery are different between the Gulf of Mexico and Atlantic regions. Because of the migratory patterns of the sharks, all Gulf of Mexico shark fishermen have access to the resource on January 1, whereas Atlantic shark fishermen do not, so weekly tracking can support inseason adjustments. The proposed opening date of January 1 would allow fishermen to harvest some of the 2014 quota at the beginning of the year, when sharks are more prevalent in the South Atlantic area. If it appears that the quota will be taken too quickly to allow fishermen throughout the entire region an opportunity to fish, we could reduce the commercial retention limits to ensure that catch rates in one part of a region not preclude vessels in another part of that region from having a reasonable opportunity to harvest a portion of the relevant quota (§ 635.24(a)(8)(vi)).



If landings rates indicate that quota may be taken too quickly to allow fishermen throughout the region an opportunity to fish, we would file for publication with the Office of the Federal Register notification of any inseason adjustments to reduce retention limits to between 0–36 sharks per trip. We could later increase the commercial retention limits per trip, such as on or about July 15, 2014, to provide fishermen in the North Atlantic area an opportunity to retain aggregated large coastal sharks and hammerhead sharks when they are prevalent in that area, if warranted considering all relevant factors.

All of the shark management groups would remain open until December 31, 2014, or until we determine that the fishing season landings for any shark management group has reached, or is projected to reach, 80 percent of the available quota. In the final rule for Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318, July 3, 2013), we established non-linked and linked quotas and explained that the linked quotas are explicitly designed to concurrently close multiple shark management groups that are caught together to prevent incidental catch mortality from exceeding the total allowable catch. At that time, consistent with § 635.28(b)(1) for non-linked quotas (e.g., Gulf of Mexico blacktip or pelagic sharks), we will file for publication with the Office of the Federal Register a notice of closure for that shark species, shark management group, and/or region that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until we announce, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fisheries for the shark species or management group are closed, even across fishing years.

For linked quotas consistent with § 635.28(b)(2), we will file for publication with the Office of the Federal Register a notice of closure for all of the species and/or management groups in a linked group that will be effective no fewer than 5 days from date of filing. From the effective date and time of the closure until we announce, via the publication of a notice in the **Federal Register**, that additional quota is available and the season is reopened, the fishery for all linked species and/or management groups is closed, even across fishing years. The linked quotas of the species and/or management groups are Atlantic hammerhead sharks and Atlantic aggregated LCS; Gulf of Mexico hammerhead sharks and Gulf of

Mexico aggregated LCS; Atlantic blacknose and Atlantic non-blacknose SCS; and Gulf of Mexico blacknose and Gulf of Mexico non-blacknose SCS. We may close the Gulf of Mexico blacktip shark management group before landings reach, or are expected to reach, 80 percent of the quota. Before taking any inseason action, we would consider the criteria listed at § 635.28(b)(4).

In 2012 and 2013, NMFS determined that the proposed rule to implement Amendment 5 to the 2006 Consolidated HMS FMP (77 FR 70552; November 26, 2012) and final rule to implement Amendment 5a to the 2006 Consolidated HMS FMP (78 FR 40318; July 3, 2013) are consistent to the maximum extent practicable with the enforceable policies of the approved coastal management program of coastal states on the Atlantic including the Gulf of Mexico and the Caribbean Sea. Pursuant to 15 CFR 930.41(a), NMFS provided the Coastal Zone Management Program of each coastal state a 60-day period to review the consistency determination and to advise the Agency of their concurrence. NMFS received concurrence with the consistency determinations from several states and inferred consistency from those states that did not respond within the 60-day time period. This proposed action to establish opening dates and adjust quotas for the 2014 fishing season for the Atlantic commercial shark fisheries does not change the framework previously consulted upon; therefore, no additional consultation is required.

#### Request for Comments

Comments on this proposed rule may be submitted via <http://www.regulations.gov>, mail, or fax. We solicit comments on this proposed rule by September 23, 2013 (see **DATES** and **ADDRESSES**). In addition to comments on the entire rule, we are specifically requesting comments on the proposed 5-year adjustment for the blacknose shark quota to account for the overharvest of blacknose sharks in 2012. We are proposing to spread the overharvested amount over a 5-year period (2014 to 2018). This scenario would allow the blacknose shark and non-blacknose SCS fisheries, which are linked fisheries, to operate over those 5 years with minimal impacts. Since the overharvested quota would be spread over 5 years, the Gulf of Mexico blacknose shark quota would be reduced by 0.2 mt dw (437 lb dw) per year and the adjusted quota would be 1.8 mt dw (4,076). If additional overharvest occurs, the adjusted blacknose shark quota could be further reduced to account for this potential overharvest. In the Atlantic region, the

blacknose shark quota would be reduced by 0.5 mt dw (1,111 lb dw) per year and the adjusted quota would be 17.5 mt dw (38,638 lb dw). Similar to the adjusted Gulf of Mexico blacknose shark quota, this adjusted quota might be adjusted further in future years to address any additional overharvests. Another possible scenario for the overharvested amount would be to take the full 2012 overharvested amount from the 2014 regional blacknose shark quotas. If we took the full overharvest amount from the 2014 quotas, the Gulf of Mexico blacknose shark quota would be reduced by 1.0 mt dw (2,185 lb dw) and the adjusted quota would be 1.0 mt dw (2,328 lb dw). In the Atlantic region, the blacknose shark quota would be reduced by 2.5 mt dw (5,557 lb dw) and the adjusted quota would be 15.5 mt dw (34,192 lb dw). In 2014, this second scenario could result in an early fishery closure in the Gulf of Mexico region if the reduced blacknose shark quota reached or was projected to reach 80 percent sooner than it has in the past, which could result in adverse impacts for blacknose and non-blacknose fishermen and dealers. While the potential for closure in the Atlantic region would be less, reducing the quota by 2.5 mt dw could close the fishery sooner than usual resulting in similar adverse impacts for Atlantic blacknose and non-blacknose fishermen and dealers. This second scenario would not have any impacts beyond 2014.

#### Public Hearings

Public hearings on this proposed rule are not currently scheduled. If you would like to request a public hearing, please contact Guý DuBeck or Karyl Brewster-Geisz by phone at 301–427–8503.

#### Classification

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

These proposed specifications are exempt from review under Executive Order 12866.

An initial regulatory flexibility analysis (IRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RFA). The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section in the preamble and in the

**SUMMARY** section of the preamble. The IRFA analysis follows.

In compliance with section 603(b)(1) of the RFA, we are required to explain the purpose of the rule. This rule, consistent with the Magnuson-Stevens Act and the 2006 Consolidated HMS FMP and its amendments, is being proposed to establish the 2014 commercial shark fishing quotas and fishing seasons. Without this rule, the commercial shark fisheries would close on December 31, 2013, and would not open until another action was taken. This action would be implemented according to the regulations implementing the 2006 Consolidated HMS FMP and its amendments. Thus, we expect few, if any, economic impacts to fishermen other than those already analyzed in the 2006 Consolidated HMS FMP and its amendments, based on the quota adjustments.

Under section 603(b)(2) of the RFA, we must explain the rule's objectives, which are to: Adjust the baseline quotas for all Atlantic shark management groups based on any over- and/or underharvests from the previous fishing years and to establish the opening dates of the various management groups in order to provide, to the extent practicable, equitable opportunities across the fishing management region while also considering the ecological needs of the species.

Section 603(b)(3) of the RFA requires Federal agencies to provide an estimate of the number of small entities to which the rule would apply. The Small Business Administration (SBA) has established size criteria for all major industry sectors in the United States, including fish harvesters. Previously, a business involved in fish harvesting was classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including its affiliates), and has combined annual receipts not in excess of \$4.0 million (NAICS code 114111, finfish fishing) for all its affiliated operations worldwide. In addition, SBA has defined a small charter/party boat entity (NAICS code 713990, recreational industries) as one with average annual receipts of less than \$7.0 million. On June 20, 2013, SBA issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 Fed.Reg. 37398; June 20, 2013). The rule increased the size standard for Finfish Fishing from \$4.0 to 19.0 million, Shellfish Fishing from \$4.0 to 5.0 million, and Other Marine Fishing from \$4.0 to 7.0 million. NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards,

all entities subject to this action were considered small entities, thus they all would continue to be considered small under the new standards. NMFS does not believe that the new size standards affect analyses prepared for this action and solicits public comment on the analyses in light of the new size standards.

We consider all HMS permit holders to be small entities because they either had average annual receipts of less than \$4.0 million for fish-harvesting, average annual receipts of less than \$7.0 million for Charter/headboat, 100 or fewer employees for wholesale dealers, or 500 or fewer employees for seafood processors. The commercial shark fisheries are comprised of fishermen who hold shark directed or incidental limited access permits and the related industries, including processors, bait houses, and equipment suppliers, all of which we consider to be small entities according to the size standards set by the SBA. The proposed rule would apply to the approximately 216 directed commercial shark permit holders (130 in the Atlantic and 86 in the Gulf of Mexico regions), 261 incidental commercial shark permit holders (156 in the Atlantic and 105 in the Gulf of Mexico regions), and 97 commercial shark dealers (66 in the Atlantic and 31 in the Gulf of Mexico regions) as of July 2013.

This proposed rule does not contain any new reporting, recordkeeping, or other compliance requirements (5 U.S.C. 603(b)(4)). Similarly, this proposed rule would not conflict, duplicate, or overlap with other relevant Federal rules (5 U.S.C. 603(b)(5)). Fishermen, dealers, and managers in these fisheries must comply with a number of international agreements as domestically implemented, domestic laws, and FMPs. These include, but are not limited to, the Magnuson-Stevens Act, the Atlantic Tunas Convention Act, the High Seas Fishing Compliance Act, the Marine Mammal Protection Act, the Endangered Species Act (ESA), the National Environmental Policy Act, the Paperwork Reduction Act, and the Coastal Zone Management Act.

In compliance with section 603(c) of the RFA, each IRFA must also contain a description of any significant alternatives to the proposed rule which would accomplish the stated objectives of applicable statutes and minimize any significant economic impact of the proposed rule on small entities. Additionally, the RFA (5 U.S.C. 603(c)(1)-(4)) lists four general categories of significant alternatives that would assist an agency in the development of significant alternatives.

These categories of alternatives are: (1) Establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and, (4) exemptions from coverage of the rule for small entities. In order to meet the objectives of this proposed rule, consistent with the Magnuson-Stevens Act and the ESA, we cannot exempt small entities or change the reporting requirements only for small entities because all the entities affected are considered small entities; therefore, there are no alternatives discussed that fall under the first and fourth categories described above. We do not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking while, concurrently, complying with the Magnuson-Stevens Act; therefore, there are no alternatives considered under the third category.

This rulemaking does not establish management measures to be implemented, but rather implements 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 shark quota specifications rule (75 FR 76302; December 8, 2010). Thus, NMFS proposes to adjust quotas established and analyzed in the 2006 Consolidated HMS FMP and its amendments by subtracting the underharvest or adding the overharvest as allowable. Similarly, the proposed quotas and opening date are consistent with the requirements of the Magnuson-Stevens Act that were previously analyzed in the EA with the 2011 shark quota specifications rule. Thus, NMFS has limited flexibility to modify the quotas in this rule, the impacts of which were analyzed in previous regulatory flexibility analyses.

Based on the 2013 ex-vessel price, fully harvesting the unadjusted 2014 Atlantic shark commercial baseline quotas could result in total fleet revenues of \$5,347,674 (see Table 2). Of the 216 vessels with directed shark permits, only 136 vessels landed sharks in 2012 and are considered active. Based on these 136 active permitted vessels, the total fleet revenues would result in an average of \$39,321 per active vessel.

For several species, we are proposing to adjust their baseline quotas upward due to the underharvests in 2013. For

example, the upward adjustment for the Gulf of Mexico blacktip shark management group could result in a \$59,894 gain in total revenues for the fleet. We expect that those revenues would be equally split between the 50 active shark permit holders who landed blacktip sharks in the Gulf of Mexico. This could result in an additional \$1,198 per vessel. The Gulf of Mexico and Atlantic non-blacknose small coastal shark management groups were also adjusted upward due to underharvests. For the fleet, these adjustments could result in a \$63,953 and \$216,240 gain in revenues, respectively. On an individual vessel basis, the 11 active vessels that landed these species in the Gulf of Mexico region could earn approximately \$5,814 on average and the 36 active vessels that landed these species in the Atlantic region could earn approximately \$6,007 on average.

We are proposing to reduce the baseline for other species due to

overharvests. For instance, we propose to reduce the blacknose shark management group for the next 5 years to account for overharvest in 2012. This would cause a potential loss in revenue of \$577 for the fleet in the Gulf of Mexico region, or \$64 on average for the 9 active vessels, and \$1,238 for the fleet in the Atlantic region, or \$69 on average for the 18 active vessels. If we took the full overharvest amount from the 2014 quotas, the Gulf of Mexico blacknose shark adjusted quota would be 1.0 mt dw (2,328) and would cause a potential loss in revenue of \$2,786 for the fleet, or \$310 on average for the 9 active vessels. In the Atlantic, the blacknose shark adjusted quota would be 15.5 mt dw (34,192 lb dw) and would cause a potential loss in revenue of \$6,191 for the fleet, or \$344 on average for the 18 active vessels. In addition, the porbeagle shark management group was overharvested in 2011 and 2012. Under the proposed quotas, the potential

revenue loss from the porbeagle baseline quota would be \$1,411 for the fleet, which could cause a loss of \$157 in average for the 9 active vessels that landed porbeagle sharks in 2012.

All of these changes in gross revenues are similar to the changes in gross revenues analyzed in the 2006 Consolidated HMS FMP and its amendments. The FRFAs for those amendments concluded that the economic impacts on these small entities—resulting from rules such as this one that adjust the trip limits inseason through proposed and final rulemaking—are expected to be minimal. In the 2006 Consolidated HMS FMP and its amendments and the EA for the 2011 shark quota specifications rule, we assumed that we would be conducting annual rulemakings and considering the potential the economic impacts of adjusting the quotas for under- and overharvests at that time.

TABLE 2—AVERAGE EX-VESSEL PRICES PER LB DW FOR EACH SHARK MANAGEMENT GROUP, 2013\*

| Year     | Species              | Region         | Price   |
|----------|----------------------|----------------|---------|
| 2013     | Aggregated LCS       | Gulf of Mexico | \$0.48  |
|          |                      | Atlantic       | 0.67    |
|          | Blacktip Shark       | Gulf of Mexico | 0.48    |
|          |                      | Atlantic       | 0.60    |
|          | Hammerhead Shark     | Gulf of Mexico | 0.32    |
|          |                      | Atlantic       | 0.60    |
|          | LCS Research         | Both           | 0.57    |
|          | Sandbar Research     | Both           | 0.57    |
|          | Non-Blacknose SCS    | Gulf of Mexico | 0.68    |
|          |                      | Atlantic       | 0.77    |
|          |                      | Both           | 0.77    |
|          | Blacknose Shark      | Gulf of Mexico | 0.68    |
|          |                      | Atlantic       | 0.77    |
|          | Blue shark           | Both           | 0.27    |
|          | Porbeagle shark      | Both           | ** 1.15 |
|          | Other Pelagic sharks | Both           | 1.80    |
|          | Shark Fins           | Gulf of Mexico | 11.90   |
| Atlantic |                      | 6.88           |         |
| Both     |                      | 9.39           |         |

\* The ex-vessel prices are based on 2013 dealer reports through July 16, 2013.

\*\* Since the porbeagle shark management group was closed for 2013, there was no 2013 price data. Thus, we used price data from 2012.

For this rule, we also reviewed the criteria at § 635.27(b)(3) to determine when opening each fishery would provide equitable opportunities for fishermen while also considering the ecological needs of the different species. The opening of the fishing season could vary depending upon the available annual quota, catch rates, and number of fishing participants during the year. For the 2014 fishing season, we are proposing to open the aggregated large coastal sharks, blacktip sharks,

hammerhead sharks, sandbar sharks, non-blacknose small coastal sharks, blacknose sharks, blue sharks, porbeagle sharks, or pelagic sharks (other than porbeagle or blue sharks) management groups on the effective date of the final rule for this action (expected to be on or about January 1). The direct and indirect economic impacts would be neutral on a short- and long-term basis, because we are proposing not to change the opening dates of these fisheries from the status quo.

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

Dated: August 16, 2013.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.*

[FR Doc. 2013–20519 Filed 8–22–13; 8:45 am]

**BILLING CODE 3510–22–P**

**Draft for final approval**

*Atlantic States Marine Fisheries Commission*

**DRAFT ADDENDUM III TO THE INTERSTATE FISHERY  
MANAGEMENT PLAN FOR ATLANTIC COASTAL SHARKS**



*ASMFC Vision Statement:*

*Healthy, self-sustaining populations for all Atlantic coast fish species or successful restoration well in progress by the year 2015.*

**October 2013**

# Draft for final approval

## 1.0 Introduction

This addendum proposes measures that would modify the Atlantic States Marine Fisheries Commission's (ASMFC) Interstate Fishery Management Plan (ISFMP) for Atlantic Coastal Sharks to establish new species groups for coastal sharks and a new recreational size limit for hammerhead sharks consistent with Amendment 5a to the 2006 Consolidated Highly Migratory Species Fishery Management Plan.

## 2.0 Management Program

### 2.1 Statement of the Problem

The purpose of this addendum is to maintain consistency between federal and state coastal shark fishery management plans. The NOAA Fisheries Highly Migratory Species (HMS) Management Division has amended the 2006 Consolidated HMS Fishery Management Plan (HMS FMP) to address recent findings that scalloped hammerhead, blacknose and sandbar sharks are overfished and/or experiencing overfishing. In Amendment 5a to the HMS FMP, NOAA Fisheries changed the coastal shark species groupings and established a new commercial quota and recreational size limit to respond to the findings as required under the Magnuson-Stevens Fisheries Conservation and Management Act (Magnuson-Stevens Act). The Board initiated this addendum to consider establishing the same species groupings and recreational size limit.

### 2.2 Background

A stock assessment for scalloped hammerhead sharks in 2009 estimated that a total allowable catch (TAC) of 2,853 scalloped hammerhead sharks (approximately 79.6 metric tons (mt) dressed weight (dw), calculated using an average dw of 61.5 lb per individual) would allow for a greater than 70 percent probability to rebuild the stock within 10 years (Hayes *et al.* 2009). In 2011, blacknose sharks were assessed as two separate stocks for the first time: a Gulf of Mexico and an Atlantic stock. For the Atlantic blacknose shark stock, projections of the base model indicated that the stock has a 70 percent probability to rebuild by 2043 with a TAC of 7,300 blacknose sharks.

As a result of these assessments, NOAA Fisheries established separate quotas for the Gulf of Mexico and the Atlantic Ocean stocks of hammerhead and blacknose sharks, and adjusted commercial quotas for both species.

All hammerhead sharks (i.e., great, scalloped, and smooth) will be grouped under one commercial quota because it is difficult to differentiate among hammerhead species, particularly when dressed. The commercial quota was calculated by subtracting recreational landings, commercial discards, and research set-aside from the scalloped hammerhead shark TAC of 79.6 mt dw. This methodology results in a total commercial quota for all hammerhead shark species of 52.4 mt dw (115,457 lb dw), which was then divided into the two regions (Atlantic and Gulf of Mexico) using the average percentage of total hammerhead shark landings in each region. Between 2008 and 2011, hammerhead shark landings in the Atlantic region accounted for 51.7 percent of the total hammerhead shark landings and hammerhead shark landings in the Gulf of Mexico region accounted for 48.3 percent of the total hammerhead shark landings (Table 1).

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Consequently, the Atlantic hammerhead shark commercial quota will be 27.1 mt dw (59,736 lb dw) (NOAA Fisheries Amendment 5a FEIS, pp. 2-10 - 2-11).

**Table 1: Landings of hammerhead sharks from the Gulf of Mexico and Atlantic, 2008-2011. Table 2.2 from NOAA Fisheries FEIS for Amendment 5a to the HMS FMP, pp. 2-11.**

| Year         | Gulf of Mexico Hammerhead Shark Landings (lb dw) | Atlantic Hammerhead Shark Landings (lb dw) | Total (Gulf of Mexico + Atlantic) | Percentage of Total Hammerhead Shark Landings From Gulf of Mexico | Percentage of Total Hammerhead Shark Landings From Atlantic |
|--------------|--|--|-----------------------------------|---|---|
| 2008         | 39,714   | 40,431                                     | 80,145                            | 49.6%   | 50.4%   |
| 2009         | 87,839   | 94,129                                     | 181,967                           | 48.3%   | 51.7%   |
| 2010         | 23,822   | 68,071                                     | 91,893                            | 25.9%   | 74.1%   |
| 2011         | 63,494   | 27,715                                     | 91,210                            | 69.6%   | 30.4%   |
| <b>Total</b> | <b>214,869</b>                                   | <b>230,346</b>                             | <b>445,215</b>                    | <b>48.3%</b>  | <b>51.7%</b>  |

The commercial quota for blacknose sharks was calculated by subtracting recreational landings, commercial discards and research set-aside from the TAC of 21.2 mt dw. This results in a commercial quota for Atlantic blacknose sharks of 18.0 mt dw. Note that prior to Amendment 5a to the HMS FMP, NOAA Fisheries maintained a blacknose shark and non-blacknose small coastal sharks (SCS) quota that applied to both the Atlantic and Gulf of Mexico regions (one quota for both regions). Amendment 5a established separate Atlantic and Gulf of Mexico quotas for blacknose sharks and non-blacknose SCS.

In addition, the non-sandbar large coastal shark (LCS) group was re-grouped to adjust for the newly established hammerhead group. The Atlantic non-sandbar LCS group was renamed “aggregated LCS” and includes Atlantic blacktip, bull, lemon, nurse, silky, spinner and tiger sharks. The quota for the aggregated LCS group is 168.9 mt dw.

NOAA Fisheries also linked the quotas of the hammerhead group and the aggregated LCS group to prevent exceeding the newly established quotas. Quota linkages are a management tool that is used when two or more shark species with separate quotas are caught together on the same set or trip. If the quota for one of these species has been filled and closed, that species could still be caught in other directed shark fisheries as bycatch, possibly resulting in mortality beyond the quota for the species that is closed. Therefore, if one of the species groups quota closes, because the quotas are linked, the other species group quota would also close.

These two management groups will open at the same time and both management groups would close when landings reach, or are expected to reach, 80 percent of the quota. For example, when landings of either the Atlantic hammerhead shark or aggregated LCS reach, or are expected to reach, 80 percent of the quota, fishing for both groups would close. Similarly, when landings of either Atlantic blacknose or Atlantic non-blacknose

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SCS reach, or are expected to reach, 80 percent, fishing for both groups would close. Opening and closing these two management groups concurrently strengthens the conservation benefits of either group's closure (NOAA Fisheries FEIS for Amendment 5a, pp.2-18 – 2-19).

NOAA Fisheries continues to have the blacknose quota linked with the non-blacknose SCS quota, however, these links are only applicable within each region. Thus, landings from the Gulf of Mexico region will not impact the Atlantic regional quota. NOAA Fisheries is also allowing in-season transfers between the hammerhead regions and the non-blacknose SCS regions to provide equal opportunity to fish for these species. These groups were separated into different regions for management purposes and not due to the results of stock assessments indicating there are different stocks in the different regions.

Finally, NOAA Fisheries changed the recreational size limit for all hammerhead sharks. A study found that female scalloped hammerhead sharks reach maturity at 78 inches fork length (FL), so the new recreational size limit will be 78 inches FL for all hammerhead sharks to limit the retention of scalloped hammerhead sharks to mature individuals (Hazin *et al.* 2001, NOAA Fisheries FEIS for Amendment 5a, pp. 2-19).

While NOAA Fisheries was working on Amendment 5a, the Agency also received and responded to a petition to list scalloped hammerhead sharks under the Endangered Species Act. On April 5, 2013, NOAA Fisheries released a proposed rule that determined that while two Distinct Population Segments (DPSs) warrant listing as endangered and two DPSs warrant listing as threatened, two DPSs do not warrant listing at this time, including the Northwest (NW) Atlantic & Gulf of Mexico (GOM) DPS (the DPS that overlaps the population managed by NOAA Fisheries and ASMFC) and the Central Pacific DPS (78 FR 20718). NOAA Fisheries did not propose listing the NW Atlantic & GOM DPS in part because of formalized conservation efforts, such as Amendment 5a, and the idea that these regulatory mechanisms are likely to further reduce the significant threats to this DPS (primarily overexploitation by commercial and recreational fisheries, exacerbated by the species' high fishing mortality).

The commercial measures establishing the hammerhead shark quota are expected to have short and long-term direct moderate beneficial ecological impacts for the following reasons. A separate hammerhead shark quota in each region would allow the effective monitoring of commercial landings of the species to keep mortality within the recommended TAC in the stock assessment and to rebuild within the parameters set by the rebuilding plan. Additionally, including all three of the large hammerhead species (scalloped, great, and smooth hammerhead sharks) under the same quota would prevent fishing in excess of the quota that could occur as a result of species identification problems (NOAA Fisheries Amendment 5a FEIS, pp. 4-8).

The commercial measures for establishing the Atlantic blacknose shark quota are anticipated to have short- and long-term minor, beneficial ecological impacts for blacknose sharks (NOAA Fisheries Amendment 5a FEIS, pp. 4-9). Similarly, establishing regional non-blacknose SCS quotas is anticipated to have direct, neutral ecological

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impacts for Atlantic sharpnose, bonnethead, and finetooth sharks in the short and long-term as it would create regional quotas and restrict fishing mortality below the TAC established for SCS in SEDAR 13 (NOAA Fisheries Amendment 5a FEIS, pp. 4-9).

When taken as a whole, these commercial measures will likely have direct short- and long-term minor adverse socioeconomic impacts. These impacts mostly affect fishermen targeting hammerhead sharks and blacknose sharks since the quotas were established or reduced. Quota linkages may affect the socioeconomic impacts based on the fishing rate of each linked shark quota. If fishermen fill both quotas at about the same rate, there will be little or no unutilized quota. If, however, one of the linked quotas is filled at a much faster rate than others and close management groups with linked quotas, there could be left over quota available that could have been harvested and sold by fishermen (NOAA Fisheries Amendment 5a FEIS, pp. 4-29).

The recreational measure of increasing the size limit for hammerhead sharks should reduce mortality and assist the rebuilding scalloped hammerhead sharks. As such, this would have short- and long-term, direct and indirect, minor beneficial ecological impacts on scalloped hammerhead (NOAA Fisheries Amendment 5a FEIS, pp. 4-16).

### 3.0 Management Options

#### 3.1 Commercial Species Groupings

Scalloped hammerhead, great hammerhead, smooth hammerhead and Atlantic blacknose sharks are four of the 40 species managed in the Coastal Sharks ISFMP. *Section 4.3.4 Quota Specifications* and *Section 4.3.7 Annual Process for Setting Fishery Specifications* of the ISFMP specify that the Spiny Dogfish and Coastal Sharks Board will not actively set quotas, but will follow the quotas, openings and closures, and species groupings for commercial shark fisheries as set by NOAA Fisheries. Hammerhead sharks are currently grouped as Non-Sandbar LCS in the ISFMP. Blacknose sharks are currently grouped as a SCS in the ISFMP.

#### ISSUE 1. Establishing New Species Groups

This section proposes to establish new species groups for hammerhead sharks and blacknose sharks and modifies the title of the smooth dogfish species group.

##### Option A. Status Quo

The species groupings remain unchanged in the ISFMP.

##### Option B. Measures Consistent with Amendment 5a to the HMS FMP

Smooth hammerhead, scalloped hammerhead, and great hammerhead shark species will be removed from the “Non-Sandbar Large Coastal Sharks” group and placed in the new “Hammerhead” species group. Blacknose sharks will be removed from the “Small Coastal Sharks” group and placed in a new “Blacknose Shark” species group. Finetooth, bonnethead and Atlantic sharpnose will be placed in a “Non-Blacknose SCS” species group. This option also renames the “Non-Sandbar Large Coastal Shark (LCS)” group as “Aggregated Large Coastal Sharks (LCS)”, and the “Smooth Dogfish” group as



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“Smoothhound Shark” group. The new species groupings under this option are contained in Table 2. All other species groups remain the same.

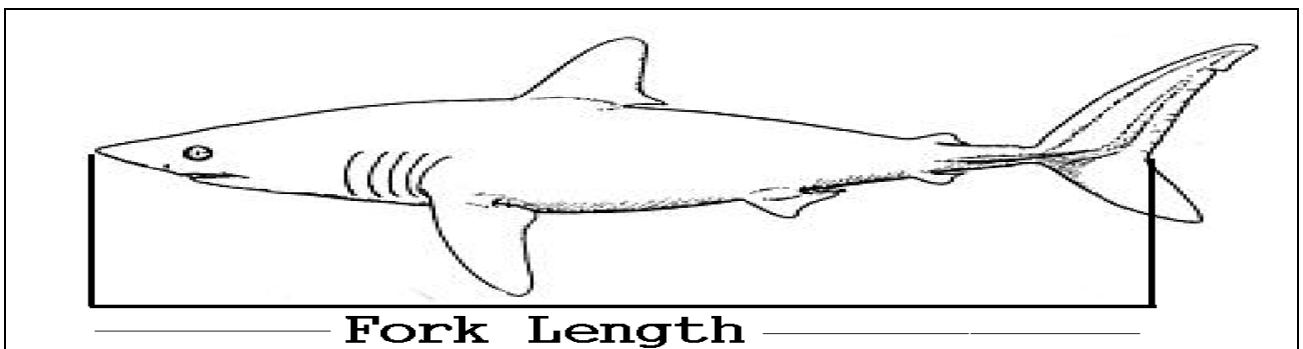
**Table 2: New species groupings as contained in Option B under Issue 1 in Draft Addendum III.**

| Hammerhead Species   | Aggregated Large Coastal Sharks | Smoothhound Shark*  | Blacknose Species  | Non-blacknose Small Coastal Sharks |
|----------------------|---------------------------------|---------------------|--------------------|------------------------------------|
| Scalloped hammerhead | Bull                            | Smooth dogfish      | Atlantic Blacknose | Finetooth                          |
| Great hammerhead     | Lemon                           | Florida smoothhound |                    | Bonnethead                         |
| Smooth hammerhead    | Nurse                           |                     |                    | Atlantic sharpnose                 |
|                      | Silky                           |                     |                    |                                    |
|                      | Spinner                         |                     |                    |                                    |
|                      | Tiger                           |                     |                    |                                    |
|                      | Atlantic blacktip               |                     |                    |                                    |

\* This species grouping was established in Amendment 3 to the HMS FMP (75 FR 30485, June 1, 2010). In that rule, NOAA Fisheries noted that it is likely that smooth dogfish and Florida smoothhound sharks are the same species.

### 3.3 Recreational Size Limits

The ISFMP allows the recreational harvest of any shark species which is not in the prohibited or research species groupings. *Section 4.2.4* in the ISFMP limits the size of recreationally harvested sharks (except Atlantic sharpnose, blacknose, finetooth, bonnethead and smooth dogfish) to 4.5 feet (54 inches).



**Figure 1: Fork length.**

### ISSUE 2. Recreational Size Limits

This section proposes to change the recreational size limit for hammerhead sharks to be consistent with Amendment 5a to the HMS FMP.

Option A: Status Quo

The recreational size limit for hammerhead sharks will remain unchanged.

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Option B: Measures Consistent with Amendment 5a to the HMS FMP  
Smooth hammerhead, scalloped hammerhead and great hammerhead sharks will have a 78 inches FL recreational size limit. All other recreational measures will remain the same.

### **4.0 Compliance Schedule**

If approved, states must implement Addendum III according to the following schedule to be in compliance with the Coastal Sharks ISFMP:

XXXXXX: States submit proposals to meet requirements of Addendum III.

XXXXXX: Management Board reviews and takes action on state proposals.

XXXXXX: States implement regulations.

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### References

“Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 5a (Final Rule)”. Federal Register 78: 128 (July 3, 2013) p. 40318.

<http://www.gpo.gov/fdsys/pkg/FR-2013-07-03/pdf/2013-15875.pdf>

“Atlantic Highly Migratory Species; Atlantic Shark Management Measures (Proposed Rule).” Federal Register 76:195 (October 7, 2011) p. 62331.

<http://www.gpo.gov/fdsys/pkg/FR-2011-10-07/pdf/2011-26021.pdf>

“Atlantic Highly Migratory Species; Atlantic Shark Management Measures; Amendment 3 (Final Rule).” Federal Register 75:104 (June 1, 2010) p. 30485.

[http://www.nmfs.noaa.gov/sfa/hms/fishery\\_rules/2010/06-01-10\\_Amendment\\_3\\_Final\\_Rule\\_75\\_FR\\_30484.pdf](http://www.nmfs.noaa.gov/sfa/hms/fishery_rules/2010/06-01-10_Amendment_3_Final_Rule_75_FR_30484.pdf)

“Endangered and Threatened Wildlife and Plants; Proposed Endangered, Threatened, and Not Warranted Listing Determinations for Six Distinct Population Segments of Scalloped Hammerhead Sharks (Proposed Rule).” Federal Register 78: 66 (April 5, 2013) p.20718.

<http://www.gpo.gov/fdsys/pkg/FR-2013-04-05/pdf/2013-07781.pdf>

Hayes, C., Jiao, Y. & Cortes, E. 2009. Stock assessment of scalloped hammerheads in the western North Atlantic Ocean and Gulf of Mexico. *North American Journal of Fisheries Management* 29, 1406–1417.

Hazin, F., A. Fischer and M. Broadhurst. 2001. Aspects of reproductive biology of the scalloped hammerhead shark, *Sphyrna lewini*, off northeastern Brazil. *Environ. Biol. Fishes* 61:151-159.

NMFS. 2013. Final Amendment 5a to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. National Oceanic and Atmospheric Administration, National Marine Fisheries Service, Office of Sustainable Fisheries, Highly Migratory Species Management Division, Silver Spring, MD. Public Document. Chapters 1-4.