

Coastal Shark AP Meeting

March 25, 2008

Baltimore, Maryland

Present: Chris Vonderweidt (ASMFC Staff); Ernest Bowden (VA); Russel Hudson (FL); Marty Buzas (NJ); Dan Dugan (DE); Sonja Fordham (The Ocean Conservancy); Lewis Gillingham (VA)

Observer: Karyl Brewster-Geisz (HMS)

The Coastal Shark Advisory Panel convened on March 25, 2008 in Baltimore Maryland. There were five fishermen and one non-traditional stakeholder (NTS) at this meeting. Another NTS submitted written comment the morning of the meeting because a conflict in his schedule did not allow him to attend.

In addition to giving specific comment on the issues, the fishing contingent of the AP wanted to stress a few points to the Spiny Dogfish & Coastal Shark Management Board as follows.

- Success of the Shark FMP is dependent on the ability of anglers to know the regulations and correctly identify the shark species. To ensure the success of this FMP, the ASMFC should channel some of its resources into an angler education program.
- Research has focused on sandbar and blacktip and should be expanded to other species.
- Quotas should be allocated by region and season to ensure that fishermen from all states have a chance to land some of the quota rather than relying on a fishing season.

The Advisory Panel also expressed concern over the low turnout at these meetings. They would like State Commissioners to replace any Shark AP members who have not attended any of the meetings.

Lewis Gillingham of Virginia was elected vice-chair at the end of the meeting.

Participants gave specific responses to each issue contained in the plan as follows.

4.1.1 Species Groupings

The AP did not reach consensus on this issue.

The fishing contingent of the AP were mostly concerned with sandbar and blacktip sharks. The fishermen said that these two species are driving the management of the LCS group, which is inappropriate. They would like to see more species-specific management by pulling blacktip and sandbars into their own groupings with separate quotas or separating the LCS group into ridgeback and non-ridgeback. These participants are opposed to making sandbar a research only fishery as NMFS has proposed in the Preferred Alternatives of Amendment 2. The Florida representative noted that the sandbar science is flawed.

The Delaware representative would like to see sandbar separated into a research only fishery.

The NTS stressed that identical species groups in state and federal waters is paramount to a successful management strategy. She would like the ASMFC to establish identical groups to NMFS. She also pointed out that the assessment scientists are considered some of the best in the world and we should feel lucky to have them. Her last comment about species groupings is that all hammerhead species should be added to the prohibited group because the IUCN is in the process of listing several species of hammerhead.

4.1.2 Issue 1 Smooth Dogfish

The Advisory Panel unanimously supports including smooth dogfish as a part of this plan as their own species group (Option A).

Other comments were that the ASMFC can proactively manage smooth dogfish rather than reacting to a future overfished determination and that the ASMFC should channel resources into a smooth dogfish assessment.

4.1.3 Issue 2 Fishing Season

The fishing contingency prefers Option C (other). They are opposed to any management strategy to allocate quota using fishing season rather than regions and seasons.

4.2.1 Issue 1: Recreationally Permitted Species

AP members were divided on this issue.

Two members prefer Option B because it does not exclude bull, blacktip, and spinner sharks as the Preferred Alternative of Amendment 2 proposes to do.

Three members prefer Option C because identical regulations for recreational anglers in state and federal waters “makes the most sense.” They stated that recreational anglers are not familiar with regulations and cannot identify sharks correctly. Option C simplifies regulations for these anglers.

4.2.2 Landings Requirements

Five of the six members were in favor of this measure.

Members in support stated that most recreational anglers just take the fish home, take a picture, and then throw the shark away. In order to get a picture, the head, fins, and tail must be attached. The NTS stressed that the fins are necessary for identification and that keeping the fins attached is one of the most important issues for her constituents.

The AP member who opposes this measure is worried that anglers who have small boats will not be able to ice the shark properly without cutting it into pieces.

4.2.3 Issue 2: Recreational Minimum size limits

The AP was divided on this issue.

Three of the members including the NTS think that it makes the most sense to go with Option A (4.5 ‘ minimum size) because it is consistent with federal regulations and simple for anglers to follow.

The fisherman from Virginia is concerned that sharks in his state will rarely reach 4.5 feet so this size limit will essentially eliminate recreational take from VA state waters.

The NTS who submitted written comment prior to the meeting would like to see species-specific size limits because he is concerned that not all sharks have reached full maturity at 4.5’.

4.2.4 Issue 3: Authorized Recreational Gear

The AP unanimously favored Option B, hook & line with a circle hook requirement. They would also like to include language that requires the hooks to be corrodible. All members of the AP who use them to fish with believe that circle hooks are superior to J-hooks for all aspects of the fishery including retention rate.

4.2.6 Issue 5: Recreational Shore-Angler Possession Limits

The AP was divided on this issue.

Three of the five members prefer Option A (one LCS, SCS, or Pelagic + 1 bonnethead + 1 sharpnose + 1 smooth dogfish) because it is the closest to existing federal regulations for recreational fishermen.

The remaining participants, including the NTS, prefer Option C (one non-prohibited shark) because they are concerned that shore fishermen can potentially catch more LCS, SCS, or Pelagic sharks than vessel fishermen can. They appreciate the push for consistency between the federal and state plans but don’t think that 5 shore anglers should be able to retain 5 LCS when 5 vessel fishermen who are in the same boat can only harvest one between all of them (vessels give the allowance of one LCS, SCS, or Pelagic to the vessel rather than the fishermen). They also like the one non-prohibited allowance regulation because it is very easy to understand.

AP members acknowledged that LCS and Pelagic retention may be a non-issue because many piers prohibit shark fishing and there is little or no chance of landing one greater than 4.5’ from shore.

4.2.7 Issue 6: Recreational Vessel-Fishing Possession Limits

The AP unanimously supports Option A (one LCS, SCS, or Pelagic per vessel plus one sharpnose or bonnethead per angler). They like this option because it is consistent with the federal plan and keeps regulations simple for recreational anglers who do not have to learn two sets of regulations.

4.3.1 Issue 1: Regions

The fishing contingency of the AP unanimously supports multiple regions for the shark fishery. They are adamantly opposed to a one-region system that does not allocate the quota geographically. These members like either the existing region system delineated by the North Carolina Virginia border (Option A) or at least two regions with a different split (Option C) but

are adamantly opposed to any option which would not have multiple regions. The AP member from VA suggested using Cape Hatteras as the boundary between the north and south Atlantic regions. The fisherman contingency were also worried that the preferred alternative of Amendment 2 would punish the ASMFC states for overages that happen in the Gulf of Mexico where there is not coordinated state management.

The NTS prefers Option D (regions that are identical to federal waters and change by default if federal regions change) because it guarantees identical regions between state and federal waters. Identical regions are paramount for her because the shark fishery is quota driven and quotas are allocated to region. Having different regions is incompatible with setting identical quotas. The NTS AP member would also like any overages in the Gulf of Mexico accounted for when the ASMFC is setting their quotas.

4.3.2 Seasons

The AP likes having the ability to allocate quota seasonally because potentially this can serve as a geographical allocation for quotas.

4.3.3.1 Issue 2: Quota Specification

The AP did not reach consensus on this issue.

One member is concerned that the ASMFC will not set quotas appropriately and he favors Option F (do not set quotas). He stated that the most appropriate quotas would be set by individual species rather than by complex.

Two members of the AP favor Option E (open and close with NMFS) because it simplifies the ASMFC decision making process and ensures identical quotas for state and federal waters. One member of the AP stated that Option E “puts the ASMFC at the mercy of the federal government.”

4.3.3.2 Payback of Quota Overages

Participants are in favor of this provision as long as it is season and region specific. There was concern that fishermen in the north Atlantic would be responsible for overages that happened in the south Atlantic and vice-versa.

4.3.3.3 Quota Rollovers

Advisory panel members support this measure.

4.3.3.4 Issue 3: Possession Limits

The AP did not reach consensus on this issue.

There were only two specific comments. One AP member supports Option B (set by species group). The other member likes Option C (species specific possession limits) because he thinks it may prove that species-specific management is possible. “This is a stepping stone to species-specific management.”

4.3.4.1 Issue 1: Permit Requirement

The AP reached consensus on this issue.

All members preferred Option B (state or federal permit). They like this option because it is basically status quo. Most states require some kind of commercial permit and they can choose whether or not to allow a federal permit through more restrictive management.

The NTS would prefer that only federal permits were required but said that she “could live with” Option B because federal-only is not an option in the plan and may have legal complications.

4.3.4.2 Issue 2: Display and Research Permits

The AP did not reach consensus on this issue, but came very close.

All members sans one liked a combination of Option A (federal) & B (state). The members also stressed that any state display permit holders should report more information than they currently do on what happens to any shark after it goes into the aquarium. AP members are curious about sharks that may have pups, how long the sharks live, what the growth rates are, etc. They want aquariums to have to report this information annually rather than just once when they initially take the shark.

The NTS prefers only Option A (federal) because there is already a federal control method in place and the state permit requirements are vague at this time.

4.3.4.3 Issue 3: Commercial Size limits

The AP did not reach consensus on this issue.

The fishing contingent of the AP is opposed to this measure. They are concerned that commercial size limits will cause waste through dead discards.

The fisherman from VA pointed out that blacktips are schooling fish and that they do not school by size. In order to land blacktip sharks that meet the size limit, fishermen will have to sort through a lot of dead discards. In addition, the black drum fishery incidentally catches a lot of blacktips that are shorter than 4.5' and will be wasted.

The fisherman from VA also pointed out that his state already closes interior waters to protect pups and suggested making this size limit sandbar specific.

The NTS supports the closure to protect shark pups.

4.3.4.4 Issue 4: Authorized Commercial Gear

The AP was OK with the existing list of commercial gear and wanted to add a few gear types to ensure compliance. Their concern was that gear that is used to pull the shark into the boat could be considered illegal. They would like to add gaff, and tailrope to the list.

4.3.4.5 Issue 5: Bycatch Reduction Measures

The AP discussed these measures in two parts. They reached consensus on Option A, but not Option B.

The AP unanimously supports Option A (longline and shortline measures). They think that protecting sea turtles is a reasonable thing to do. In addition, the AP would like to require all fishermen to attend HMS identification workshops. The NTS would like to include language in this section highlighting the need to protect smalltooth sawfish.

The fishing contingency of the AP does not support Option B (gillnet checks). They think that this measure is unenforceable and that marine mammals are already protected from gillnets through pre-existing marine mammal plans. They were also confused as to what “net check” means. They would like language that defines a net check added and also some background of what this measure is trying to accomplish. At the most, the fishing contingency of the AP would like Option B to simply be a suggestion.

The NTS supports this requirement to protect threatened and endangered species.

4.3.4.6 Issue 6: Finning and Identification

The AP did not reach consensus on this issue (require head, tail, and fins to remain attached). The fishing contingency and NTS have opposing opinions and both groups care deeply about the issue.

The fishing contingency is strongly opposed to this requirement. Participants pointed out that this would force the fishermen to handle the carcass twice (once during the initial catch and then at the dock), exposing the meat to the sun each time. Such exposure causes the core temperature of the meat to increase to a temperature that will spoil the meat. The participant from FL pointed out that it will be impossible to dress 100 sharks at a time. The participant from VA is concerned that state specific shark fishermen who have small boats need to cut the sharks into several pieces to fit them into coolers on the boats. These fishermen’s boats are not large enough to ice a large carcass. The last concern is that discarding the belly on the docks will cause outcry in mixed use docks. A statement made by one member that sums up the fishing contingents viewpoint is; “We are willing to do anything to avoid this.”

The NTS stressed the need to keep the fins on for identification and to prevent finning. She pointed out that requirements to keep the fins and tail on have worked in Australia and other countries where they freeze the carcass whole.

4.3.5 Issue 7: Seasonal Closures

The AP agrees that protecting pregnant female sharks is good management, but disagreed upon how to do so.

The representative from VA is proposed to the closure because it is driven by sandbar but prohibits harvest of all the LCS species. He is opposed to prohibiting harvest of any species that does not pup between VA – NJ from May 15 – July 15. The other fishermen said that this

closure should be for sandbar only rather than all LCS species. The FL member wants to include NC through MA and begin April 15th for the southern states.

The NTS supports the seasonal closure as written in the draft.

4.3.6 Alternative Management Suite

Advisory Panel members unanimously oppose this provision.

The FL representative stated that this management regime is good for NC but not for other states that cannot harvest SCS species. He pointed out that the entire SCS fishery is concentrated in NC in May, June, and July.

The entire AP was concerned about overages to the federal quota if the ASMFC sets a trip limit that is not tied to a quota.

4.3.8.1 Issue 1: Dealer Permits

The entire AP agreed that correct identification by dealers is paramount to successful shark management. There was disagreement on how to achieve accurate identification.

The fishing contingency of the AP unanimously prefers Option C (state or federal dealer permits) with the caveat that state dealers have to attend HMS dealer identification workshops.

The NTS who attended the meeting favors Option A (federal dealer permit only) because federal dealer permit holders are already required to attend the identification workshops and mail in their landings sheets by the 1st and 15th of each month.

4.3.8.2 Issue 2: Dealer Reporting Schedule

The AP reached consensus on this issue. Of the 4 options, they prefer Option A (weekly reporting) but would prefer real-time reporting. Past overages in certain regions have been in excess of 500% and the AP would like to avoid future overages through timely and accurate reporting.

One member suggested weekly reporting with a trigger harvest that once reached would require 24 hour reporting.

4.3.8.3 Issue 3: Dealer Reporting Requirements

The AP unanimously supports this provision.

Members stated that accurate reporting is important to both science and management and think that someone who makes a living by selling sharks should be able to identify them correctly.

The members suggested stiff penalties and a three strikes and you are out system for dealers who misidentify or fail to identify their sharks.