

Introduction

The Atlantic States Marine Fisheries Commission (ASMFC) was formed by the fifteen Atlantic Coast states in 1942 to coordinate the conservation and management of near shore fishery resources shared by the states. The authority to manage Atlantic Coastal Sharks lies with the coastal states and is coordinated through the ASMFC under the authority of the Atlantic Coastal Fisheries Cooperative Management Act.

By federal law, North Carolina must enact the requirements of ASMFC Fishery Management Plans (FMPs) or risk federal sanctions against North Carolina fisheries. The N.C. Marine Fisheries Commission chose to adopt all ASMFC FMPs as North Carolina rules through an Interjurisdictional Fishery Management Plan (IJ FMP). Smooth dogfish, as part of the Atlantic Coastal Sharks Interstate Fishery Management Plan, is one of the species included in the IJ FMP.

Process

The ASFMC has determined that changes to the existing management program for coastal sharks are necessary to meet the goals of the FMP and has developed a draft addendum to address these changes. An addendum differs from an amendment in two key ways: 1) It is a shorter process with one round of public hearings; 2) it generally addresses a specific management measure being proposed.

The ASMFC is seeking public input on the proposed management changes described in the addendum. After this phase of public input, the ASMFC will evaluate comments received, make necessary changes to the addendum then finalize the management measures and the effective date of the changes.

Purpose

The purpose of this Public Information Brochure (PIB) is to inform the public of issues under consideration by the ASMFC and any potential impacts to North Carolina's fisheries so that the public has an opportunity to make comment on:

- Changes observed in the fishery
- Management, regulation or enforcement actions that should or should not be taken
- Other concerns about the fishery

Input received during the public comment process can influence the outcome of the final addendum.

Current Management

North Carolina has managed the coastal shark fishery under the ASMFC Interstate FMP for Atlantic Coastal Sharks since 2009. North Carolina does not have a separate state FMP for these species. Smooth dogfish are included as one of the 40 species managed in the plan. All regulations in the FMP apply to smooth dogfish except where an exemption is specifically listed (i.e. recreational possession limits, quota specification).

Recreational possession of any shark species is limited to one shark per vessel per day, including charter and head boat vessels for hire. One additional Atlantic sharpnose (no minimum size), smooth dogfish (no minimum size) and one bonnethead (no minimum size) per person per day may be landed in addition to allowable bag limits for other sharks. For a complete list of recreational regulations, please see Draft Addendum 1 to the Interstate FMP for Atlantic Coastal Sharks at www.asmfc.org.

Commercial open seasons in state waters are comparable to open seasons established by the National Marine Fisheries Service and are managed by quotas. It is unlawful to possess more than 33 large coastal sharks per trip. No harvest or size restrictions are set on small coastal or pelagic sharks, but a corresponding carcass must be landed with all fins.

North Carolina currently manages the Atlantic Coastal Shark fishery by proclamation. For a full copy of North Carolina's rules and regulations on coastal sharks refer to Proclamation FF-32-2009, which can be found on the NCDMF web page or in Draft Addendum 1 to the Atlantic Coastal Sharks FMP, available at www.asmfc.org.

North Carolina Fishery

North Carolina recreational and commercial coastal shark landings for 2007 were 395,996 pounds with an additional 4,609 pounds of fins landed. Commercial landings made up 87 percent (344,278 pounds) of the total shark landings with the other 13percent (51,718 pounds) harvested by recreational fishermen. Commercial and recreational landings fluctuate over time. Currently, the ten year (1999-2008) commercial landings average is 1.1 million pounds and the recreational landings average is 33,397 pounds.

Among the coastal sharks, smooth dogfish are commonly found in the sounds, beaches, and near shore waters of North Carolina in late spring and early fall. The majority of smooth dogfish landed in North Carolina come from the commercial fishing industry, with the recreational fishery making up less than 1percent of the total harvest each year. Both the recreational and commercial fisheries have increased landings in smooth dogfish in the past two years. In 2008, the landings of smooth dogfish in North Carolina equaled 826,240 pounds (commercial) and 9,100 pounds (recreational). Ocean gill nets have been the predominant commercial gear used to harvest smooth dogfish in North Carolina.

Status of the Stocks

Federal harvest restrictions for Atlantic coastal sharks have been in place since 1993, and a closure to commercial harvest in state waters occurred from 1997 to 2006. While assessments have been conducted for both large and small coastal shark complexes, there is not a specific assessment for smooth dogfish. In the absence of an assessment, the ASMFC Atlantic Coastal Sharks Plan Development Team and Technical Committee recommended setting possession limits identical to Atlantic sharpnose sharks because these two species have a very similar life history. The sharpnose limits are grounded in a stock assessment and also account for the needs of recreational and party/charter boat sectors.

Summary of the Problem

ASMFC's Addendum I for Coastal Sharks proposes measures that will allow at-sea processing of smooth dogfish, eliminate a two hour large mesh gill net attendance requirement and remove the smooth dogfish possession limits for recreational fishermen. The ASMFC is considering these management measures in an effort to increase the quality of the fish product, decrease hazards to gill net fishermen and maintain consistency between the commercial and recreational smooth dogfish fisheries.

Management Options

The preferred option of the ASMFC Management Board is indicated in ***bold italic*** for each of the first three Issues (1 – 3). The ASMFC Board does not have a preferred option for Issue 4.

ISSUE 1. Smooth Dogfish Finning and Identification

Option A. Status Quo. All sharks harvested by commercial fishermen within state boundaries must have the tails and fins attached naturally to the carcass through landing.

Fins may be cut as long as they remain attached to the carcass (by natural means) with at least a small portion of uncut skin. Sharks may be eviscerated and have the heads removed. Sharks may not be filleted or cut into pieces at sea.

Option B. This option would add the following language to *Section 4.3.11* to allow an exemption for smooth dogfish fishermen. Commercial fishermen would be allowed to remove the fins, head, and tail from smooth dogfish. If fins are removed, the total wet weight of the shark fins would not exceed 5 percent of the total dressed weight of shark carcasses landed or found on board the vessel. Fishermen would be prohibited from keeping the fins and discarding the carcass at sea. This carcass to fin ratio is consistent with the Shark Finning Prohibition Act of 2002.

(Preferred option is B)

ISSUE 2. Smooth Dogfish Recreational Shore-Angler Possession Limits

Option A. Status Quo. Each recreational shore-angler is allowed a maximum harvest of one shark from the federal recreationally permitted species, including smooth dogfish, per calendar day. In addition, each recreational shore angler may harvest one additional bonnethead, one additional Atlantic sharpnose, and one additional smooth dogfish per calendar day. Sharks that are transported by a vessel are considered 'boat assisted' and are regulated under the more restrictive vessel-fishing possession limits regardless of where they were caught.

Option B. There would be no smooth dogfish possession limit for recreational shore anglers.

(Preferred option is B)

ISSUE 3. Smooth Dogfish Recreational Vessel-Fishing Possession Limits

Option A. Status Quo. Recreational fishing vessels are allowed a maximum harvest of one shark from the federal recreationally permitted species, including smooth dogfish, per trip, regardless of the number of people on board the vessel. In addition, each

recreational angler fishing from a vessel may harvest one bonnethead, one Atlantic sharpnose, and one smooth dogfish per trip. The Shark Finning Prohibition Act, published on February 11, 2002, prohibits any person on a vessel under U.S. jurisdiction from engaging in shark finning, possessing shark fins on board a U.S. fishing vessel without corresponding shark carcasses, or landing shark fins without corresponding carcasses. The final rule also prohibits foreign fishing vessels from engaging in shark finning in the U.S. exclusive economic zone (EEZ), from landing shark fins without the corresponding carcass into a U.S. port, and from transshipping shark fins in the U.S. EEZ. The final rule establishes a rebuttable presumption that any shark fins possessed on board a U.S. fishing vessel, or landed from any fishing vessel, were taken, held, or landed in violation of these regulations if the total wet weight of the shark fins exceeds 5 percent of the total dressed weight of shark carcasses landed or found on board the vessel.

Option B. There would be no smooth dogfish possession limit for recreational vessel fishermen.

(Preferred option is B)

ISSUE 4: Bycatch Reduction Measures

Option A: Status Quo. Large-mesh gill nets (defined as having a stretch mesh size greater than or equal to 5 inches) must be shorter than 2.5 kilometers and nets must be checked every two hours as required by section 4.3.10 *Bycatch Reduction Measures*.

Option B: Strike the following language from *Section 4.3.10 Bycatch Reduction Measures* of the FMP: Large-mesh gill nets (defined as having a stretch mesh size greater than or equal to 5 inches) must be shorter than 2.5 kilometers and nets must be checked every two hours.

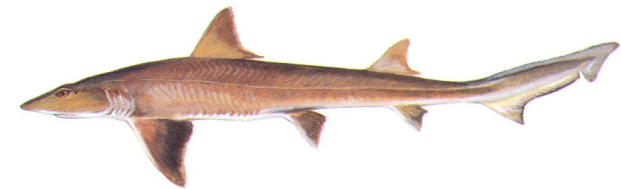
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N.C. Division of Marine Fisheries Public Information Brochure for the Atlantic States Marine Fisheries Commission Addendum 1 to the Interstate Fishery Management Plan for Atlantic Coastal Sharks



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