

**A SUMMARY OF THE MANAGEMENT OF
ATLANTIC SMALL COASTAL SHARKS**

**Presented to the 2007 Data Workshop of
the Small Coastal Shark Stock Assessment**

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1. Introduction

Atlantic sharks in Federal waters have been managed by the Secretary of Commerce since 1993. Below is a brief summary of management actions and issues as they relate specifically to small coastal sharks (SCS). Table 1 provides a list of most Atlantic shark-related management actions published in the Federal Register. Table 2 provides a brief summary of current Atlantic shark management measures. Table 3 provides the list of species that are SCS and the list of prohibited species that used to be managed as SCS.

2. The 1993 Fishery Management Plan

In 1989, the five Atlantic Fishery Management Councils asked the Secretary of Commerce to develop a Shark Fishery Management Plan (FMP). The Councils were concerned about the late maturity and low fecundity of sharks, the increase in fishing mortality, and the possibility of the resource being overfished. The Councils requested that the FMP cap commercial fishing effort, establish a recreational bag limit, prohibit “finning,” and begin a data collection system.

In 1993, the Secretary of Commerce, through the National Marine Fisheries Service (NMFS), implemented the FMP for Sharks of the Atlantic Ocean. At that time, the stock assessment

indicated that the estimated maximum sustainable yield (MSY) for SCS was 2,590 metric tons (mt) dressed weight (dw). Based on this and landings estimates that indicated fishing mortality was below F_{MSY} , NMFS identified the status of SCS as fully fished. No direct commercial restrictions (e.g., quotas) were implemented although the commercial restrictions for the other shark species affected the SCS fishery (e.g., permits and reporting). The management measures that directly affected SCS fishermen in the 1993 FMP included:

- Establishing a fishery management unit (FMU) consisting of 39 frequently caught species of Atlantic sharks, separated into three groups for assessment and regulatory purposes (large coastal shark (LCS), SCS, and pelagic sharks);
- Establishing calendar year fishing year for commercial quotas and dividing the annual quota into two equal half-year quotas that apply to the following two fishing periods--January 1 through June 30 and July 1 through December 31 (this did not affect SCS fishermen until a quota was established in 1997, see section 3 below);
- Establishing a recreational trip limit of four sharks per vessel for LCS or pelagic shark species groups and a daily bag limit of five sharks per person for sharks in the SCS species group;
- Requiring that all sharks not taken as part of a commercial or recreational fishery be released uninjured;
- Establishing a framework procedure for adjusting commercial quotas, recreational bag limits, species size limits, management unit, fishing year, species groups, estimates of maximum sustainable yield, and permitting and reporting requirements;
- Prohibiting finning by requiring that the ratio between wet fins/dressed carcass weight not exceed 5 percent;
- Prohibiting the sale by recreational fishermen of sharks or shark products caught in the Economic Exclusive Zone (EEZ);
- Requiring annual commercial permits for fishermen who harvest and sell shark (meat products and fins);
- Establishing a permit eligibility requirement that the owner or operator (including charter vessel and headboat owners/operators who intend to sell their catch) must show proof that at least 50 percent of earned income has been derived from the sale of the fish or fish products or charter vessel and headboat operations or at least \$20,000 from the sale of fish during one of three years preceding the permit request;
- Requiring trip reports by permitted fishermen and persons conducting shark tournaments and requiring fishermen to provide information to NMFS under the Trip Interview Program; and,
- Requiring NMFS observers on selected shark fishing vessels to document mortality of marine mammals and endangered species.

3. The 1997 Rule

Other than monitoring the landings, few actions were taken for SCS between implementation of the 1993 FMP and a rule in 1997 that established a SCS quota. In June 1996, NMFS convened a stock assessment to examine the status of LCS stocks. This stock assessment did not include an assessment for small coastal sharks. However, in response to the stock assessment, in 1997, NMFS reduced the recreational retention limit to two LCS, SCS, and pelagic sharks combined

per trip with an additional allowance of two Atlantic sharpnose sharks per person per trip (62 FR 16648, April 2, 1997). Additionally, due to concerns over increasing SCS landings on a fully fished stock, NMFS established a commercial SCS quota of 1,760 mt dw. As with LCS and pelagic sharks, NMFS split this quota equally between the two fishing seasons (January 1 to June 30 and July 1 to December 31).

In this rule, NMFS also reduced the LCS commercial quota and prohibited five LCS species. NMFS was sued on the LCS commercial measures in this rule, not the recreational measures or the SCS quota.

4. The 1999 FMP for Atlantic Tunas, Swordfish, and Sharks

In 1996, amendments to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) modified the definition of overfishing and established new provisions to halt overfishing and rebuild overfished stocks, minimize bycatch and bycatch mortality to the extent practicable, and identify and protect essential fish habitat. Accordingly, in 1997, NMFS began the process of creating a rebuilding plan for overfished highly migratory species (HMS), including LCS, consistent with the new provisions.

In June 1998, NMFS held another LCS stock assessment. As with the 1996 quota, this stock assessment did not examine the status of SCS. Based in part on the results of the 1998 LCS stock assessment, in April 1999, NMFS published the final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (1999 FMP), which included numerous measures to rebuild or prevent overfishing of Atlantic sharks in commercial and recreational fisheries. The 1999 FMP replaced the 1993 FMP. Management measures related to SCS that changed in the 1999 FMP included:

- Reducing the commercial SCS quota to 359 mt dw;
- Reducing recreational retention limits for all sharks to one shark per vessel per trip with a 4.5 foot fork length minimum size and one Atlantic sharpnose per person per trip, no minimum size;
- Expanding the list of prohibited shark species to include three species of SCS (Caribbean sharpnose, smalltail, and angel shark);
- Implementing limited access in commercial fisheries;
- Establishing a shark public display quota for all public display sharks including SCS;
- Establishing new procedures for counting dead discards and state landings of sharks after Federal fishing season closures against Federal quotas; and
- Establishing season-specific over- and underharvest adjustment procedures.

The implementing regulations were published on May 28, 1999 (64 FR 29090). NMFS was sued by several groups on the Atlantic shark commercial measures implemented in the 1999 FMP and on the recreational shark regulations adopted in the 1999 FMP.

On June 30, 1999, NMFS received a court order from Judge Merryday relative to the May 1997 lawsuit on the commercial LCS quota. Specifically, the order enjoined NMFS from enforcing the 1999 regulations with respect to Atlantic shark commercial catch quotas (LCS, pelagic, and

SCS) and fish-counting methods (including the counting of dead discards and state commercial landings after Federal closures), which were different from the quotas and fish counting methods prescribed by the 1997 Atlantic shark regulations. A year later, on June 12, 2000, the court issued an order clarifying that NMFS could proceed with implementation and enforcement of the 1999 prohibited species provisions (64 FR 29090, May 28, 1999). No injunction was placed on the changes to the recreational retention limits so those measures went into place in June 1999.

On November 21, 2000, Southern Offshore Fishing Association (SOFA) *et al.* and NMFS reached a settlement agreement for the May 1997 and June 1999 lawsuits regarding the commercial shark management measures. On December 7, 2000, Judge Merryday entered an order approving the settlement agreement and lifting the injunction. The settlement agreement required, among other things, an independent (i.e., non-NMFS) review of the 1998 LCS stock assessment, new stock assessments of both LCS and SCS, and the establishment of the 1997 LCS and SCS quotas until the stock assessments were complete. The settlement agreement did not address any regulations affecting the pelagic shark, prohibited species, or recreational shark fisheries. On March 6, 2001, NMFS published an emergency rule implementing the settlement agreement (66 FR 13441). This emergency rule expired on September 4, 2001, and, among other things, established the SCS commercial quotas at 1997 levels (1,760 mt dw). This SCS quota was maintained through 2002 via different emergency rules.

On September 20, 2001, Judge Roberts ruled against the Recreational Fishing Alliance and stated that the recreational retention limits were consistent with the Magnuson-Stevens Act.

5. The 2002 SCS Stock Assessment

On May 6, 2002 (67 FR 30879), NMFS announced the availability an SCS stock assessment. Based on the results of the stock assessment, NMFS determined that the SCS complex, Atlantic sharpnose, finetooth, blacknose, and bonnethead sharks were not overfished. Additionally, the SCS complex, Atlantic sharpnose, blacknose, and bonnethead sharks were not experiencing overfishing. However, finetooth sharks were experiencing overfishing.

Based in part on these results, NMFS implemented via an emergency rule an annual quota of 326 mt dw for 2003 (67 FR 78990, December 27, 2002; extended 68 FR 31987, May 29, 2003), and announced its intent to conduct an environmental impact statement and amend the 1999 FMP (67 FR 69180, November 15, 2002). The emergency rule was an interim measure to maintain the status of sharks pending the re-evaluation of management measures in the context of the rebuilding plan through this FMP amendment.

6. Amendment 1 to the 1999 FMP and 2004 Rules

Based on the 2002 SCS and LCS stock assessments, NMFS re-examined many of the shark management measures in Amendment 1 to the 1999 FMP for Atlantic Tunas, Swordfish, and Sharks (December 24, 2003, 68 FR 74746). The changes in Amendment 1 affected all aspects of shark management. The final management measures that would affect SCS fishermen included, among other things:

- Using MSY as a basis for setting commercial quotas (the annual SCS complex quota was established at 454 mt dw);
- Establishing regional commercial quotas (North Atlantic, South Atlantic, and Gulf of Mexico);
- Establishing trimester commercial fishing seasons (January through April, May through August, September through December);
- Adjusting the recreational bag and size limits (one shark per vessel per trip with a 4.5 foot fork length minimum size and one Atlantic sharpnose or bonnethead shark per person per trip, no minimum size);
- Establishing gear restrictions to reduce bycatch or reduce bycatch mortality, establishing a time/area closure off the coast of North Carolina;
- Establishing a mechanism for changing the species on the prohibited species list;
- Updating essential fish habitat identifications for five species of sharks (including one SCS, finetooth sharks); and,
- Changing the administration for issuing permits for display purposes.

Shortly after the final rule for Amendment 1 was published, NMFS conducted a rulemaking that adjusted the percent quota for each region, changed the seasonal split for the North Atlantic based on historical landing patterns, finalized a method of changing the split between regions and/or seasons as necessary to account for changes in the fishery over time, and established a method to adjust from semi-annual to trimester seasons (November 30, 2004, 69 FR 6954).

7. The 2006 Consolidated Highly Migratory Species FMP

In 2003, NMFS began the process to amend the 1999 FMP and consolidate the 1999 FMP with the Atlantic Billfish FMP. This process was completed in 2006 (71 FR 58058, October 2, 2006). The Consolidated HMS FMP contained numerous actions. The only action directly relevant to SCS was the decision to collect more information (from observer programs, state agencies, and Regional Fishery Management Councils) in order to target the most appropriate management measures to prevent overfishing of finetooth sharks. In the Consolidated HMS FMP, NMFS examined numerous datasets including state landings data and observer data to determine what fisheries were catching finetooth sharks. NMFS determined that many fisheries catch finetooth sharks as bycatch. Thus, taking action to limit the amount of finetooth sharks landed by those fisheries could increase effort in those other fisheries resulting in more dead discards of finetooth sharks.

8. Amendment 2 to the Consolidated HMS FMP

As a result of the 2005/2006 stock assessments (LCS, dusky, and porbeagle), NMFS is amending shark management. None of the management measures in this upcoming amendment are expected to affect SCS fisheries directly (e.g., no changes to the SCS quota). Nonetheless, given the overlapping nature of all shark fisheries, it is likely that some of the management measures would impact SCS fisheries (e.g., changing the LCS quota may result in changes to SCS effort). Scoping for this amendment ends on February 5, 2007. The final rule implementing these

changes is expected by January 2008. Depending on the results of this stock assessment, NMFS may need to amend the SCS management measures in a separate rulemaking.

9. Commercial Fishing Seasons

Until recently, the SCS commercial fishery had never been closed. In almost all years, few SCS were reported landed compared to the available quota. On March 18, 2004, the SCS fishery in the Gulf of Mexico region closed for the first time (69 FR 10936, March 9, 2004). At that time, NMFS had dealer reports indicating that the Gulf of Mexico region had caught 20.7 mt dw of its 11.2 mt dw seasonal quota (January 1 through April 30). NMFS later found out that the region had not overharvested the quota. Rather, LCS species were being misidentified as SCS. In 2006, the Gulf of Mexico region exceeded its first season quota by 527 percent (78.0 mt dw landed with a quota of 14.8 mt dw). Quota from the South Atlantic region was transferred to the Gulf of Mexico region to cover this overharvest (71 FR 75122, December 14, 2006).

10. The Gillnet Fishery

As described in the Consolidated HMS FMP, while SCS are caught recreationally and commercially on bottom longline gear, most of the commercial fishermen who actively target SCS are gillnet fishermen. These few fishermen use a variety of gillnet methods to catch SCS including drifting and striking. Additionally, many gillnet fishermen targeting other species in that same area (the east coast of Florida) also catch, and if they have a shark permit, land SCS. Because of concerns regarding right whale calving, these gillnet fisheries are also managed under the Marine Mammal Protection Act via the Large Whale Take Reduction Plan. These regulations include, but are not limited to, high observer coverage (100 percent in the past) during right whale calving season (November 15 through March 31 each year). Additionally, in the 2003 Amendment 1 to the 1999 FMP, NMFS required all gillnet vessels with a directed shark permit to use vessel monitoring systems (VMS) during right whale calving season. Furthermore, due to other endangered species concerns, the fishery has elevated observer coverage compared to other HMS fisheries in the remaining portion of the year.

From March 9, 2001, to April 9, 2001, the shark gillnet fishery was closed, with the exception of strikenets, off of east Florida due to a large number of leatherback sea turtle takes (14 leatherback turtles were taken in 62 drift gillnet sets). As a result of these takes, NMFS established requirements for the gillnet gear to be checked for sea turtles and other protected species at least once every two hours (July 9, 2002, 67 FR 45393).

On January 22, 2006, a right whale calf was found dead off Jacksonville Beach, Florida. The calf had been entangled in gillnet gear recently before its death. The necropsy indicated that the entanglement ultimately led to the whale's death. As a result, NMFS closed the area via temporary action to all gillnet fishing (February 16, 2006, 71 FR 8223). On November 15, 2006, NMFS published a second emergency rule that once again closes the core right whale calving area to all gillnet fishing from November 15 through April 15, 2007 (71 FR 66470, November 15, 2006). Also on November 15, 2006 (71 FR 66482), NMFS published a proposed rule that would expand the restricted area, close the area to gillnet fishing or possession during right whale calving season, and exempt the use of strikenet gear for sharks and gillnet fishing for Spanish

mackerel south of 29⁰⁰'N lat. The comment period on this proposed rule was extended to January 31, 2007 (January 16, 2006, 72 FR 1689).

11. Exempted Fishing Permits

Under 50 CFR 635.32, and consistent with 50 CFR 600.745, NMFS may authorize for limited testing, public display, and scientific data collection purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. Exempted fishing may not be conducted unless authorized by an Exempted Fishing Permit (EFP) Display Permit, or a Scientific Research Permit (SRP) issued by NMFS in accordance with criteria and procedures specified in those sections. As necessary, an EFP, Display Permit, or a SRP would exempt the named party(ies) from otherwise applicable regulations under 50 CFR part 635. Such exemptions could address fishery closures, possession of prohibited species, commercial permitting requirements, and retention and minimum size limits.

In the 1999 FMP, NMFS established a 60 mt ww shark public display quota for the purpose of collecting sharks for aquariums and other instances of public display. In order to collect sharks under this quota, fishermen must apply for a Display Permit. This allows them to collect sharks during closed seasons and also allows them to collect sharks that may be prohibited, such as sand tiger sharks. NMFS also issues Display Permits for the collection of other HMS for public display. As outlined in another document submitted to this data workshop, SCS are collected under Display Permits, EFPs, and SRPs.

12. Essential Fish Habitat

Under the Magnuson-Stevens Act, each FMP must describe and identify essential fish habitat (EFH) for the fishery, minimize to the extent practicable adverse effects on that EFH caused by fishing, and identify other actions to encourage the conservation and enhancement of EFH. In 1999, NMFS identified EFH for all actively managed species of sharks. In Amendment 1, NMFS updated EFH for five species, including one species of SCS, the finetooth shark. In Amendment 1 to the Consolidated HMS FMP, NMFS is examining the need for changes and updates to the existing EFH and related management measures, as needed.

Table 1 Chronological list of most of the Federal Register publications relating to Atlantic sharks.

Federal Register Cite	Date	Rule or Notice
<i>Pre 1993</i>		
48 FR 3371	1/25/1983	Preliminary management plan with optimum yield and total allowable level of foreign fishing for sharks
56 FR 20410	5/3/1991	NOA of draft FMP; 8 hearings
57 FR 1250	1/13/1992	NOA of Secretarial FMP
57 FR 24222	6/8/1992	Proposed rule to implement FMP
57 FR 29859	7/7/1992	Correction to 57 FR 24222
<i>1993</i>		
58 FR 21931	4/26/1993	Final rule and interim final rule implementing FMP
58 FR 27336	5/7/1993	Correction to 58 FR 21931
58 FR 27482	5/10/1993	LCS commercial fishery closure announcement
58 FR 40075	7/27/1993	Adjusts 1993 second semi-annual quotas
58 FR 40076	7/27/1993	LCS commercial fishery closure announcement
58 FR 46153	9/1/1993	Notice of 13 public scoping meetings
58 FR 59008	11/5/1993	Extension of comment period for 58 FR 46153
58 FR 68556	12/28/1993	Interim final rule implementing trip limits
<i>1994</i>		
59 FR 3321	1/21/1994	Extension of comment period for 58 FR 68556
59 FR 8457	2/22/1994	Notice of control date for entry
59 FR 25350	5/16/1994	LCS commercial fishery closure announcement
59 FR 33450	6/29/1994	Adjusts second semi-annual 1994 quota
59 FR 38943	8/1/1994	LCS commercial fishery closure announcement
59 FR 44644	8/30/1994	Reopens LCS fishery with new closure date
59 FR 48847	9/23/1994	Notice of public scoping meetings
59 FR 51388	10/11/1994	Rescission of LCS closure
59 FR 52277	10/17/1994	Notice of additional scoping meetings
59 FR 52453	10/18/1994	Final rule implementing interim final rule in 1993 FMP
59 FR 55066	11/3/1994	LCS commercial fishery closure announcement
<i>1995</i>		
60 FR 2071	1/6/1995	Proposed rule to adjust quotas
60 FR 21468	5/2/1995	Final rule indefinitely establishes LCS quota at 1994 level
60 FR 27042	5/22/1995	LCS commercial fishery closure announcement
60 FR 30068	6/7/1995	Announcement of Shark Operations Team meeting
60 FR 37023	7/19/1995	Adjusts second semi-annual 1995 quota
60 FR 38785	7/28/1995	ANPR - Options for Permit Moratoria
60 FR 44824	8/29/1995	Extension of ANPR comment period
60 FR 49235	9/22/1995	LCS commercial fishery closure announcement
60 FR 61243	11/29/1995	Announces Limited Access Workshop
<i>1996</i>		
61 FR 21978	5/13/1996	LCS commercial fishery closure announcement
61 FR 37721	7/19/1996	Announcement of Shark Operations Team meeting.
61 FR 39099	7/26/1996	Adjusts second semi-annual 1996 quota
61 FR 43185	8/21/1996	LCS commercial fishery closure announcement
61 FR 67295	12/20/1996	Proposed rule to reduce Quotas/Bag Limits

Federal Register Cite	Date	Rule or Notice
61 FR 68202	12/27/1996	Proposed rule to establish limited entry (Draft Amendment 1 to 1993 FMP)
<i>1997</i>		
62 FR 724	1/6/1997	NOA of Draft Amendment 1 to 1993 FMP
62 FR 1705	1/13/1997	Notice of 11 public hearings for Amendment 1
62 FR 1872	1/14/1997	Extension of comment period and notice of public hearings for proposed rule on quotas
62 FR 4239	1/29/1997	Extension of comment period for proposed rule on quotas
62 FR 8679	2/26/1997	Extension of comment period for Amendment 1 to 1993 FMP
62 FR 16647	4/7/1997	Final rule reducing quotas/bag limits
62 FR 16656	4/7/1997	LCS commercial fishery closure announcement
62 FR 26475	5/14/1997	Announcement of Shark Operations Team meeting
62 FR 26428	5/14/1997	Adjusts second semi-annual 1997 LCS quota
62 FR 27586	5/20/1997	Notice of Intent to prepare an supplemental environmental impact statement
62 FR 27703	5/21/1997	Technical Amendment regarding bag limits
62 FR 38942	7/21/1997	LCS commercial fishery closure announcement
<i>1998</i>		
63 FR 14837	3/27/1998	LCS commercial fishery closure announcement
63 FR 19239	4/17/1998	NOA of draft consideration of economic effects of 1997 quotas
63 FR 27708	5/20/1998	NOA of final consideration of economic effects of 1997 quotas
63 FR 29355	5/29/1998	Adjusts second semi-annual 1998 LCS quota
63 FR 41736	8/5/1998	LCS commercial fishery closure announcement
63 FR 57093	10/26/1998	NOA of draft 1999 FMP
<i>1999</i>		
64 FR 3154	1/20/1999	Proposed rule for draft 1999 FMP
64 FR 14154	3/24/1999	LCS commercial fishery closure announcement
64 FR 29090	5/28/1999	Final rule for 1999 FMP
64 FR 30248	6/7/1999	Fishing season notification
64 FR 37700	7/13/1999	Technical amendment to 1999 FMP final rule
64 FR 37883	7/14/1999	Fishing season change notification
64 FR 47713	9/1/1999	LCS fishery reopening
64 FR 52772	9/30/1999	Notice of Availability of outline for National Plan of Action for sharks
64 FR 53949	10/5/1999	LCS closure postponement
64 FR 66114	11/24/1999	Fishing season notification
<i>2000</i>		
65 FR 16186	3/27/2000	Revised timeline for National Plan of Action for sharks
65 FR 35855	6/6/2000	Fishing season notification and 2nd semi-annual LCS quota adjustment
65 FR 47986	8/4/2000	Notice of Availability of National Plan of Action for sharks
65 FR 38440	6/21/2000	Implementation of prohibited species provisions and closure change
65 FR 75867	12/5/2000	Fishing season notification
<i>2001</i>		
66 FR 55	1/2/2001	Implementation of 1999 FMP pelagic shark quotas
66 FR 10484	2/15/2001	NOA of Final National Plan of Action for the Conservation and Management of Sharks

Federal Register Cite	Date	Rule or Notice
66 FR 13441	3/6/2001	Emergency rule to implement settlement agreement
66 FR 15045	3/15/2001	Emergency rule to close shark gillnet fishing due to turtle takes
66 FR 33918	6/26/2001	Fishing season notification and 2nd semi-annual LCS quota adjustment
66 FR 34401	6/28/2001	Proposed rule to implement national finning ban
66 FR 46401	9/5/2001	LCS fishing season extension
66 FR 67118	12/28/2001	Emergency rule to implement measures based on results of peer review and fishing season notification
<i>2002</i>		
67 FR 6194	2/11/2002	Final rule implementing national shark finning ban
67 FR 8211	2/22/2002	Correction to fishing season notification 66 FR 67118
67 FR 30879	5/8/2002	Notice of availability of SCS stock assessment
67 FR 36858	5/28/2002	Notice of availability of LCS sensitivity document and announcement of stock evaluation workshop in June
67 FR 37354	5/29/2002	Extension of emergency rule and fishing season announcement
67 FR 45393	7/9/2002	Final rule implementing gillnet checks and longline gear requirements
67 FR 64098	10/17/2002	Notice of availability of LCS stock assessment and final meeting report
67 FR 69180	11/15/2002	Notice of intent to conduct and environmental impact assessment and amend the 1999 FMP
67 FR 72629	12/6/2002	Proposed rule regarding EFPs
67 FR 78990	12/27/2002	Emergency rule to implement measures based on stock assessments and fishing season notification
<i>2003</i>		
68 FR 1024	1/8/2003	Announcement of 4 public hearings on emergency rule
68 FR 1430	1/10/2003	Extension of comment period for proposed rule on EFPs
68 FR 3853	1/27/2003	Announcement of 7 scoping meetings and notice of availability of Issues and Options paper
68 FR 31983	5/29/2003	Emergency rule extension and fishing season notification
68 FR 45196	8/1/2003	Proposed rule and NOA for draft Amendment 1 to 1999 FMP
68 FR 47904	8/12/2003	Public hearing announcement for draft Amendment 1 to 1999 FMP
68 FR 51560	8/27/2003	Announcement of HMS AP meeting on draft Amendment 1 to 1999 FMP
68 FR 54885	9/19/2003	Rescheduling of public hearings and extending comment period for draft Amendment 1 to 1999 FMP
68 FR 64621	11/14/2003	NOA of availability of Amendment 1
68 FR 74746	12/24/2003	Final Rule for Amendment 1
<i>2004</i>		
69 FR 10936	3/9/2004	SCS fishery closure
69 FR 19979	4/15/2004	VMS type approval notice
69 FR 26540	5/13/2004	N. Atlantic Quota Split Proposed Rule
69 FR 28106	5/18/2004	VMS effective date proposed rule
69 FR 30837	6/1/2004	Fishing season notice
69 FR 33321	6/15/2004	N. Atlantic Quota Split Final Rule
69 FR 47797	8/6/2004	Technical amendment correcting changes to BLL gear requirements
69 FR 51010	8/17/2004	VMS effective date final rule
69 FR 56024	9/17/2004	Regional quota split proposed rule

Federal Register Cite	Date	Rule or Notice
69 FR 6954	11/30/2004	Regional quota split final rule and season announcement
69 FR 71735	12/10/2004	Correction notice for 69 FR 6954
2005		
70 FR 11922	3/10/2005	2nd and 3rd season proposed rule
70 FR 21673	4/27/2005	2nd and 3rd season final rule
70 FR 24494	5/10/2005	North Carolina Petition for Rulemaking
70 FR 29285	5/20/2005	Notice of handling and release workshops for BLL fishermen
70 FR 48804	8/19/2005	Proposed rule Draft HMS FMP
70 FR 48704	8/19/2005	NOA of Draft EIS for Draft HMS FMP
70 FR 52380	9/2/2005	Correction to 70 FR 48704
70 FR 53146	9/7/2005	Cancellation of hearings due to Hurricane Katrina
70 FR 54537	9/15/2005	Notice of LCS data workshop
70 FR 55814	9/23/2005	Cancellation of Key West due to Hurricane Rita
70 FR 58190	10/5/2005	Correction to 70 FR 54537
70 FR 58177	10/5/2005	Extension of comment period for Draft HMS FMP
70 FR 58366	10/6/2005	1st season proposed rule
70 FR 72080	12/1/2005	Final rule for 1 st season
70 FR 73980	12/14/2005	Decision of petition for rulemaking from North Carolina Dept. of Environment and Natural Resources
70 FR 76031	12/22/2005	Notice of LCS assessment workshop for stock assessment
2006		
71 FR 8223	2/16/2006	Temporary rule closing gillnet fishery due to Right Whale calf death
71 FR 8557	2/17/2006	Proposed rule 2 nd and 3 rd fishing seasons
71 FR 12185	3/9/2006	Notice of LCS review workshop for stock assessment
71 FR 15680	3/29/2006	Proposed rule regarding dehooking equipment for bottom longline fishermen
71 FR 16243	3/31/2006	Final rule 2 nd and 3 rd fishing seasons
71 FR 30123	5/25/2006	Notice of availability of dusky shark stock assessment
71 FR 40096	7/14/2006	Notice of availability of FEIS for Final HMS FMP
71 FR 41774	7/24/2006	Notice of availability of final report for LCS stock assessment
71 FR 58158	10/2/2006	Final rule for Final HMS FMP
71 FR 58778	10/5/2006	Proposed rule for 1 st fishing season
71 FR 64213	11/1/2006	Extension of comment period to 1 st season proposed rule
71 FR 65086	11/7/2006	Notice of intent to amend the FMP regarding shark management
71 FR 65087	11/13/2006	Extension of comment period to 1 st season proposed rule
71 FR 66469	11/15/2006	Emergency rule to close gillnet fishery in Right Whale calving area
71 FR 66482	11/15/2006	Proposed rule to close gillnet fishery in Right Whale calving area and other changes to ALWTRP
71 FR 70965	12/7/2006	Notice of data workshop for SCS stock assessment
71 FR 75122	12/14/2006	Final and temporary rule for 1 st fishing season
71 FR 75714	12/18/2006	Notice of shark identification and protected species handling, release, and identification workshops

Table 2 Summary of current shark regulations.

PROHIBITED SPECIES				
The following sharks cannot be kept commercially or recreationally: Whale, basking, sand tiger, bigeye sand tiger, white, dusky, night, bignose, Galapagos, Caribbean reef, narrowtooth, longfin mako, bigeye thresher, sevengill, sixgill, bigeye sixgill, Caribbean sharpnose, smalltail, and Atlantic angel sharks. There is a mechanism in place to add or remove species, as needed, via rulemaking.				
COMMERCIAL REGULATIONS				
Management Unit	Species that can be retained	Quota (mt dw)	Regional Quotas	Authorized Gears
Large Coastal Sharks - directed commercial retention limit of 4,000 lb dw per trip - incidental retention limit	Sandbar, silky, tiger, blacktip, bull, spinner, lemon, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead	1,017	NA = 7% SA = 41% GM = 52%	Pelagic or Bottom Longline; Gillnet; Rod and Reel; Handline; Bandit Gear
Pelagic Sharks - no directed retention limit - incidental retention limit	Shortfin mako, thresher, oceanic whitetip	488	None	
	Porbeagle	92		
	Blue	273		
Small Coastal Sharks - no directed retention limit - incidental retention limit	Atlantic sharpnose, blacknose, finetooth, bonnethead	454	NA = 3% SA = 87% GM = 10%	
<u>Additional remarks:</u> - All sharks not retained must be released in a manner that ensures the maximum probability of survival - Finning is prohibited for all sharks no matter what species - Fishing seasons: January 1 to April 30; May 1 to August 30; September 1 to December 31 - Fishing regions: NA = Maine through Virginia; SA = N. Carolina through East Florida and Caribbean; GM = Gulf of Mexico - Quota over- and underharvest adjustments will be made for the same season the following year; no reopening that season - Count state landings after Federal closure against Federal quota - Time/area closure for vessels with bottom longline gear on board: January through July between 35° 41' N to 33° 51' N and west of 74° 46' W, roughly following the 60 fathom contour line, diagonally south to 76° 24' W and north to 74° 51' W . Area is open in July 2007, pending quota. - Vessel Monitoring Systems required for all gillnet vessels in all areas during right whale calving season and from January through July for all vessels with bottom longline gear on board between 33° 00' N and 36° 30' N - Limited access; Exempted Fishing Permit (EFP) requirements; Display permits for collection for public display - Observer and reporting requirements - For incidental limited access permit holders: 5 large coastal sharks per trip; a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip - Vessel with bottom longline gear on board must: (1) have non-stainless steel corrodible hooks; (2) have a dehooking device (when approved), linecutters, and a dipnet on board; (3) move 1 nmi after an interaction with a protected species; and (4) post sea turtle handling and release guidelines in the wheelhouse				
RECREATIONAL REGULATIONS				
Management Unit	Species that can be kept	Retention Limit	Authorized Gear	
Large Coastal, Pelagic, and Small Coastal Sharks	LCS: Sandbar, silky, tiger, blacktip, bull, spinner, lemon, nurse, smooth hammerhead, scalloped hammerhead, great hammerhead Pelagic: shortfin mako, thresher, oceanic whitetip, porbeagle, blue SCS: Atlantic sharpnose, blacknose, finetooth, bonnethead	1 shark per vessel per trip (all species) with a 4.5 feet fork length minimum size; allowance for 1 Atlantic sharpnose and 1 bonnethead per person per trip (no minimum size)	Rod and Reel; Handline	
<u>Additional remarks:</u> Harvested sharks must have fins, head, and tail attached (can be bled and gutted if tail is still attached).				

Table 3 List of species that are small coastal sharks, including those that are prohibited.

Common name	Species name
Atlantic sharpnose	<i>Rhizoprionodon terraenovae</i>
Finetooth	<i>Carcharhinus isodon</i>
Blacknose	<i>Carcharhinus acronotus</i>
Bonnethead	<i>Sphryna tiburo</i>
<i>Prohibited Species</i>	
Caribbean sharpnose	<i>Rhizoprionodon porosus</i>
Smalltail	<i>Carcharhinus porosus</i>
Atlantic Angel	<i>Squatina dumerili</i>

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