

XII. COMMERCIAL SHARK FISHING

AUTHORIZED SHARK SPECIES²⁴⁰

The shark species in **bold** are divided into regional management groups with separate quotas.²⁴¹ Call the HMS Management Division at (301) 427-8503 or visit <http://www.nmfs.noaa.gov/sfa/hms/> for the current status of the regional shark quotas.

| GULF OF MEXICO REGION |
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| Aggregated Large Coastal Sharks (LCS): Bull, Lemon, Nurse, Silky*, Spinner, Tiger, Sandbar** Blacktip Sharks Hammerhead Sharks: Great hammerhead*, Scalloped hammerhead*, Smooth hammerhead* Non-Blacknose Small Coastal Sharks (SCS): Atlantic sharpnose, Bonnethead, Finetooth Blacknose Sharks |
| ATLANTIC REGION |
| Aggregated Large Coastal Sharks (LCS): Blacktip, Bull, Lemon, Nurse, Silky*, Spinner, Tiger, Sandbar** Hammerhead Sharks: Great hammerhead*, Scalloped hammerhead*, Smooth hammerhead* Non-Blacknose Small Coastal Sharks (SCS): Atlantic sharpnose, Bonnethead, Finetooth Blacknose Sharks |
| ATLANTIC AND GULF OF MEXICO (COMBINED QUOTA) |
| Blue Sharks Porbeagle Sharks Pelagic Sharks Other Than Porbeagle or Blue: Common thresher, Oceanic whitetip*, Shortfin mako |

* Hammerhead sharks (great, smooth, and scalloped), oceanic whitetip, and silky sharks cannot be retained, transshipped, landed, stored, or sold by vessels with pelagic longline gear onboard or on vessels issued both an HMS Charter/Headboat permit and a commercial shark permit when tuna, swordfish, or billfish are on board the vessel or being offloaded from the vessel.²⁴²

**Sandbar sharks can only be harvested by vessels selected to participate in the shark research fishery and only when a NOAA Fisheries-approved observer is onboard. Possession of sandbar sharks and other shark species is subject to the modified retention limits for this research fishery.²⁴³

COMMERCIALY PROHIBITED SHARK SPECIES

The following sharks cannot be possessed or retained in any form in the commercial shark fishery.²⁴⁴ If one of these species is caught, it must be released immediately with minimal injury, without removing it from the water and in a manner that maximizes its chances of survival.²⁴⁵

| | | | |
|-------------------|---------------------|--------------|-----------|
| Atlantic angel | Bignose | Longfin mako | Sixgill |
| Basking | Caribbean reef | Narrowtooth | Smalltail |
| Bigeye sand tiger | Caribbean sharpnose | Night | Whale |
| Bigeye sixgill | Dusky | Sand tiger | White |
| Bigeye thresher | Galapagos | Sevengill | |

PERMITS

Any fishermen who fishes for, retains, possesses, sells, or intends to sell Atlantic sharks needs a Federal Atlantic **Directed** or **Incidental** shark limited access permit or an open access **HMS Commercial Caribbean Small Boat permit** (shark retention limit set at zero at this time).²⁴⁶

Generally, directed shark permits allow fishermen to target sharks while incidental permits allow fishermen who normally fish for other species to land a limited number of sharks.²⁴⁷ The limited access

permits are administered under a limited access program and NOAA Fisheries is no longer issuing new shark limited access permits. To enter the directed or incidental shark fishery, fishermen must obtain a permit via transfer from an existing permit holder who is leaving the fishery, subject to the vessel upgrading restrictions.²⁴⁸ For information on applying for an HMS Commercial Caribbean Small Boat permit or renewing or transferring a limited access shark permit, please contact the Southeast Region Permit Office at (727) 824-5326.

A **Directed shark permit** allows fishermen to retain 36 large coastal sharks (LCS) per vessel per trip. There is no directed numeric retention limit for pelagic sharks or small coastal sharks, subject to quota limitations. No prohibited species may be retained.

An **Incidental shark permit** allows fishermen to retain up to 3 LCS per vessel per trip. Fishermen may also keep up to a total of 16 pelagic or small coastal sharks (all species combined) per vessel per trip. No prohibited species may be retained.²⁴⁹

An **HMS Commercial Caribbean Small Boat permit** is valid only in the U.S. Caribbean and currently has a zero (0) shark retention limit (no retention).²⁵⁰ The HMS Commercial Caribbean Small Boat permit may only be issued to vessels 45 feet or less in length overall.²⁵¹

Fishermen who use longline or gillnet gear must attend a Protected Species Safe Handling, Release, and Identification Workshop and obtain a certificate prior to obtaining a commercial shark limited access permit (LAP). Both the owner and operator of the vessel permitted for this fishery must have a workshop certificate onboard the vessel.²⁵² NOAA Fisheries also encourages commercial fishermen to attend an Atlantic Shark Identification Workshop to enhance identification of shark species (see Section I).

VESSEL UPGRADING RESTRICTIONS

In general, an owner may upgrade a vessel with a directed limited access shark permit, or transfer the directed limited access shark permit to another vessel, only if the upgrade or transfer does not result in an increase in horsepower of more than 20 percent or an increase of more than 10 percent in length overall, gross registered tonnage, or net tonnage from the original qualifying vessel's specifications.²⁵³ However, some limited access permits qualify for less restrictive vessel upgrading limitations as described in the next paragraph.

Vessel upgrading restrictions may differ, depending upon whether a vessel was concurrently issued, or was eligible to renew, each of the following three limited access permits on August 6, 2007: (1) incidental or directed swordfish permit; (2) incidental or directed shark permit; and (3) an Atlantic tunas Longline category permit. Vessels that were concurrently issued, or eligible to renew, these three permits on August 6, 2007, are eligible for vessel upgrades, or permit transfers to other vessels, only if the upgrade or permit transfer does not result in an increase of more than 35 percent in length overall, gross registered tonnage, or net tonnage, as measured relative to the original qualifying vessel's specifications. Horsepower is not restricted for these vessels.²⁵⁴

Incidental shark limited access permits are not subject to vessel upgrading restrictions.²⁵⁵

For more information on upgrading restrictions, call the Southeast Regional Permit Office at (727) 824-5326.

SHARK RESEARCH FISHERY²⁵⁶

Each year, NOAA Fisheries accepts applications to participate in a shark research fishery. From the applications received, NOAA Fisheries randomly selects a small number of commercial vessels based upon certain criteria to participate in the shark research fishery. Selected vessels are able to harvest sandbar sharks when a NOAA Fisheries-approved observer is onboard. Possession of sharks is subject to the modified retention limits for this research fishery. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered. For copies of the Shark Research Fishery Application during the application period announced each year, please visit <http://www.nmfs.noaa.gov/sfa/hms/> or call the HMS Management Division at (301) 427-8503.

AUTHORIZED GEAR TYPES

Authorized gear types include: pelagic or bottom longline, gillnet, rod and reel, handline, or bandit gear.²⁵⁷ Handlines and gillnets must remain attached to, or in contact with, the vessel at all times except that gillnets do not need to be attached during net checks.²⁵⁸

See Sections VII-IX for additional restrictions on pelagic and bottom longline and gillnet gear including permit restrictions, closed areas, hook specifications, and protected species interactions.

MINIMUM SIZE²⁵⁹

There is no commercial minimum size limit for large coastal sharks, pelagic sharks or small coastal sharks.

LANDING RESTRICTIONS

All sharks must have their fins, including the tail, naturally attached through offloading.²⁶⁰ Fins may be cut as long as they remain naturally attached to the carcass with at least a small flap of uncut skin. The fins and tail may be removed from the carcass once the shark has been landed and offloaded.²⁶¹

Sharks may be eviscerated and have the heads removed at sea, but cannot have the backbone removed, be filleted, or cut into pieces at sea.²⁶² Once landed and offloaded, sharks that have been halved, quartered, filleted, cut up, or reduced in any manner may not be brought back onboard a vessel that has been issued or should have been issued a federal Atlantic commercial shark permit.²⁶³

On January 2, 2011, President Obama signed the Shark Conservation Act. NOAA Fisheries is in the process of implementing the requirements of this Act.

FISHING SEASONS AND CLOSURE DATES

The fishing year for shark fisheries starts on January 1 and continues through December 31 of every year.²⁶⁴ The fishing seasons for specified shark fisheries are contingent on the available quotas and do not open until the date that NOAA Fisheries publishes in the Federal Register. Once NOAA Fisheries estimates that 80 percent of the quota of any unlinked management group (e.g., Gulf of Mexico blacktip or pelagic sharks) has been caught, the fishing season for that species/management group closes no fewer than five days after publication of filing a closure notice in the Federal Register. When landings of either of linked management groups reach, or are expected to reach, 80 percent of the quota, fishing for both management groups will close no fewer than five days after publication of filing a closure notice in the Federal Register. The following management groups are linked:

- 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.

Additionally, NOAA Fisheries may close the Gulf of Mexico blacktip shark management group before landings reach, or are expected to reach, 80 percent of the quota. NOAA Fisheries will send out a notice to the HMS listserv, and post the announcement on the website no fewer than five days ahead of the closure effective date. Regardless of the status of the available quota, all shark fisheries close on December 31 (the end of the fishing year) of every year until the opening date NOAA Fisheries publishes in the Federal Register. Call the HMS Management Division at (301) 427-8503 or visit <http://www.nmfs.noaa.gov/sfa/hms/> for the current status of shark fishery seasons and opening/closing dates.²⁶⁵

FISHING REGIONS

The commercial quotas for some shark management groups are split between two regions, the Gulf of Mexico and the Atlantic. The **boundary** between the Gulf of Mexico region and the Atlantic region is defined as a line beginning on the east coast of Florida at the mainland at 25°20.4' N. lat., proceeding due east.²⁶⁶

Gulf of Mexico: Any water and land to the south and west of 25°20.4' N. lat. This includes the U.S. Caribbean.

Atlantic: Any water and land to the north and east of 25°20.4' N. lat.

The commercial quotas for other management groups are not split between the two regions.²⁶⁷ When a region is closed for a particular species/management group, fishermen in that region cannot possess or sell that species/management group and dealers in that region cannot buy species in that group from federally-permitted fishermen.²⁶⁸

TIME/AREA CLOSURES

For information on existing time and area closures, refer to Sections I through IX of this guide or call the HMS Management Division at (301) 427-8503.

SELLING SHARKS

Atlantic sharks and legally landed shark fins from vessels with a federal shark limited access permit maybe sold **only** to federally-permitted shark dealers and only when the fishery for that species/management group is open.²⁶⁹ Dealers may obtain an Atlantic shark dealer permit by contacting the Southeast Regional Permit Office at (727) 824-5326.

PUBLIC DISPLAY OF SHARKS

Please see the HMS website <http://www.nmfs.noaa.gov/sfa/hms/> for more information on Exempted Fishing, Scientific Research, and Display permits. Dusky sharks are not authorized to be collected for public display.²⁷⁰

REPORTING REQUIREMENTS

Logbooks

Selected fisherman with a commercial shark permit must report fishing activities in an approved logbook within 48 hours of completing that day's fishing activities, or before offloading, whichever is sooner. Logbooks must be species-specific and must be postmarked within seven days of offloading. Logbook reports must include weighout slips that have all fin and carcass weights recorded and that show the dealer to whom the fish were transferred, the date they were transferred, and the carcass weight of each fish for which individual weights are normally recorded. For fish that are not individually weighed, a weighout slip must record total weights by species and market category. A weighout slip for sharks prior to, or as part of, a commercial transaction involving shark carcasses or fins must record the

weights of carcasses and any detached fins. All fins must be weighed in conjunction with the weighing of the carcasses at the vessel's first point of landing and must adhere to established allowable fin-to-carcass weight ratios. NOAA Fisheries requires the submission of a "No Fishing" reporting form if no trips occurred during the preceding month.²⁷¹

NOAA Fisheries may also send a letter requiring that fishermen complete the cost-earnings section of the logbook. Fishermen must then complete and submit that section of the logbook within 30 days of offloading. This section must be completed in addition to the other logbook reporting requirements. The "annual expenditures" report form must be submitted by the date specified on the form. The economic data section must be completed in addition to the other logbook requirements.²⁷²

All dealer reports must be species-specific and specify the total shark fin weight separately from the weight of the shark carcasses.²⁷³ Dealer forms for Atlantic shark dealers were modified to include a check box that indicates whether fins were naturally attached to the carcass at landing and through offloading.

HMS Commercial Caribbean Small Boat Permit

Fishermen holding an HMS Commercial Caribbean Small Boat permit must abide by their respective territorial reporting requirements and other applicable territorial commercial fishing requirements. No retention of sharks is authorized under this permit at this time.

NOAA Fisheries Observer Program²⁷⁴

Vessels may be required to carry NOAA Fisheries observers. See Section XVI for observer requirements.

ANNUAL QUOTAS

Please call the HMS Management Division at (301) 427-8503 for details on shark quotas. Quotas are adjusted to account for yearly over- and/or under-harvests as specified in the regulations.²⁷⁵ Any quota adjustments will be posted on the HMS website under "Breaking News," published in the Federal Register, and sent to the *Atlantic HMS News* listserv.

VMS REQUIREMENTS

Vessels with shark permits that use pelagic or bottom longline gear or gillnet gear may be required to install and use VMS. See Section X for details.