



CHRIS CLARK
COMMISSIONER

September 10, 2009

SUSAN SHIPMAN
DIRECTOR

Ms. LeAnn Southward Hogan
HMS Management Division
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, Maryland 20910

VIA FACSIMILE: 301.713.2347

RE: Conditional Federal Consistency Determination Concurrence for Amendment 3 to the
2006 Consolidated Atlantic HMS FMP

Dear Ms. Southward:

Staff of the Georgia Coastal Management Program (GCMP), Georgia Department of Natural Resources' Coastal Resources Division, and Georgia Department of Natural Resources' Wildlife Resources Division have reviewed your July 15, 2009 letter and attached Draft Amendment 3 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan. We would like to commend selection of Preferred Alternative A4 – Remove shark gillnet gear as authorized gear for sharks as this management measure is fully consistent with GCMP's enforceable policies.

The Program supports and concurs with Preferred Alternatives B3, C5/C6, D1, E3/E4, F2, and F2-a3/F2-b1. The Program does not support Preferred Alternative D4 and instead recommends Preferred Alternative D1. A final Amendment 3 that includes Preferred Alternative(s) B3, C5/C6, D1, E3/E4, or any combination thereof, with the condition that it also includes Preferred Alternative A4, is consistent with GCMP. A final Amendment 3 that does not include Preferred Alternative A4 will not be consistent to the maximum extent practicable and the GCMP would object. Reviewer comments on the specific management actions are provided below.

Alternative A4. Establish a new SCS complex quota of 56.9 mt dw and a blacknose commercial quota of 14.9 mt dw; remove shark gillnet gear as authorized gear for sharks. Removal of shark gillnet gear is long overdue to reduce incidental take of sea turtles and marine mammals. In particular, this alternative would benefit critically endangered North Atlantic right whales that frequent Southeast U.S. waters. Commercial fishing entanglement is a leading cause of right whale mortality. Additionally, given the current status of the blacknose shark and the number of individuals of this species caught in this gear, it will significantly reduce the impacts of regulatory discards, which would occur if the quota for blacknose is reached before the SCS quota.

Alternative B3. Close the gillnet fishery to commercial shark fishing from South Carolina south, including the Gulf of Mexico and the Caribbean Sea. See earlier comments under Alternative A4. The suggested impacted area makes sense based on the biological distribution of blacknose sharks.

Alternative C5. Take action at the international level to end overfishing of shortfin mako. As this fish occupies domestic and international waters and migrates over long distances, this is a sound direction to move in.

Alternative C6. Promote the release of shortfin mako sharks brought to fishing vessels alive. The Program is supportive of this alternative, although it is unclear how this would impact quality of the product kept. This would ask that fishers keep those fish that are dead on haul back, but the length of time the fish has been dead would compromise the quality of the meat because of urea buildup in the muscle tissue.

Alternative D4. Prohibit retention of blacknose sharks in recreational fisheries. The Program does not support this alternative. The current size limits in place under the FMP already afford an equivalent degree of protection to blacknose sharks, as blacknose sharks do not reach a maximum of 54" TL. I would recommend looking at the recently enacted management of the coastal states relative to shark species and determine where the problems with recreational retention of blacknose are occurring. Under Georgia regulations (O.C.G.A. 27-1-4 and Rules 391-2-4-.04), blacknose sharks are already afforded a de-facto prohibited status for the same reason outlined earlier in this paragraph (i.e., blacknose must be 54" TL or greater to be landed in Georgia). It is presumptive on the part of HMS to assume mirroring of their regulations implies automatic transcendence into state regulation. As the list of prohibited species increases, it may be in the best interest of recreational fishers to afford an opportunity in shark identification as their risk of landing a prohibited species increases. Selection of Alternative D1 – *No Action, Maintain the current recreational retention and size limit for SCS*, would be consistent with the GCMP to the maximum extent practicable.

Alternative E3. Take action at the international level to end overfishing of shortfin makos. See earlier comments in Alternative C5.

Alternative E4. Promote the release of shortfin mako sharks brought to fishing vessels alive. See earlier comments in Alternative C6.

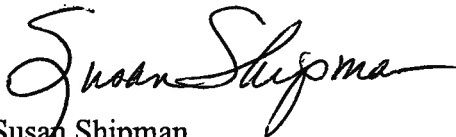
Alternative F2. Add smooth dogfish under NMFS management and develop management measures, such as a federal permit requirement. This subject has received a large amount of discussion over the past few years. As the Atlantic States Marine Fisheries Commission has recognized the importance of this issue, it is only fitting that NMFS also consider responsible management of this species in federal waters.

Alternative F2-a3. Establish a smooth dogfish quota equal to the maximum annual landings from 1998-2007 plus one standard deviation (1,423,727 lbs dw). The Program defers to those states that have a significant buy-in in this fishery to determine the appropriateness of this value; however, the logic used to calculate this number appears sound at this time. Once data are available for an assessment, this number would be expected to change.

Alternative F2-b1. Establish a separate smooth dogfish set-aside quota for the exempted fishing program of 6 mt ww. The set aside amount for the exempted fishing program is reasonable, and the logic used to derive the number based on current data is sound.

The Georgia Coastal Management Program concurs that the Final Amendment 3 to the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan, so long as it includes Preferred Alternative A4 and is limited to including some or all of Preferred Alternatives B3, C5/C6, D1, E3/E4, F2, is in compliance with the enforceable policies of the GCMP to the maximum extent practicable. Please feel free to contact Kelie Moore, Federal Consistency Coordinator, or me if you have any question regarding this conditional concurrence.

Sincerely,



Susan Shipman
Director

SS/km

CC: Carolyn Belcher, DNR/CRD/MFS
Clay George, DNR/WRD/Nongame