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# Guide for Complying with the Atlantic Shark Fisheries Regulations in Amendment 3 to the Consolidated HMS FMP



National Marine Fisheries Service  
Highly Migratory Species Division  
Silver Spring, MD 20910  
(301) 713-2347

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**INTRODUCTION** – Atlantic highly migratory species (HMS) including tunas, swordfish, sharks, and billfish are managed by the National Marine Fisheries Service (NMFS) under the authority of the Secretary of Commerce, with consideration for the domestic and international aspects of these fisheries.

NMFS has recently amended regulations for Atlantic shark fisheries based on recent stock assessments. The final measures implement an individual blacknose specific quota and a separate non-blacknose small coastal shark (SCS) quota. The SCS fishery will close when either quota reaches, or is projected to reach, 80 percent. Trip limits for SCS will remain the same: no trip limit of SCS for directed shark limited access permit holders and 16 SCS and pelagic sharks combined for incidental shark limited access permit holders. In addition, fishermen are able to harvest sharks with the current authorized gear (bottom longline, pelagic longline, gillnet, handline, bandit gear, and rod and reel), and recreational anglers can land blacknose sharks. Furthermore, the revised measures for smooth dogfish, also known as smoothhound sharks, (*i.e.*, quota, permit requirements, landing of smoothhound sharks with all fins naturally attached) will not be effective until the beginning of the fishing season in 2012.

This guide is intended to provide a plain-language summary of how to comply with only the new regulations and is produced in compliance with Section 212 of the Small Business Regulatory Enforcement Fairness Act. Table 1 summarizes how regulations apply to different permit and gear types. For the official and complete set of regulations, please see 50 CFR Part 635 and other relevant parts of the Code of Federal Regulations (CFR) and the *Federal Register* (FR) (electronic versions of both the CFR and FR are available at [www.gpoaccess.gov](http://www.gpoaccess.gov)). Since fishery rules frequently change, fishermen must familiarize themselves with the latest regulatory updates and are responsible for complying with the current official regulations. If there is a discrepancy between the regulations in 50 CFR Part 635 or other applicable CFR parts and the answers in this Guide, the regulations will take precedence.

You may request a copy of a particular rule or current updates by calling the NMFS HMS Management Division at (301) 713-2347 or by viewing the HMS website at [www.nmfs.noaa.gov/sfa/hms](http://www.nmfs.noaa.gov/sfa/hms).

**All measures included in the final rule for Amendment 3 to the Consolidated Atlantic HMS FMP are effective July 1, 2010, except where indicated.**

The management measures for Atlantic sharks include, but are not limited to:

- New quotas for the blacknose and non-blacknose SCS in the commercial shark fishery (effective June 1, 2010);
- NMFS taking action at the international level to end overfishing of shortfin mako sharks in both the recreational and commercial fisheries;
- Promoting the release of shortfin mako sharks brought to fishing vessels alive in both the recreational and commercial fisheries; and
- Smooth dogfish, also known as smoothhound sharks, management measures, including implementing a commercial quota, implementing recreational and commercial fishing permit requirements, dealer reporting and requiring that all fins be naturally attached through offloading; however, such measures will not be implemented until the beginning of the Atlantic shark fishing season in 2012.

## **I. COMMERCIAL SCS MANAGEMENT MEASURES**

*Q1. What are the new commercial quotas for SCS?*

A. The new annual blacknose shark-specific quota is 19.9 metric tons (mt) dressed weight (dw). The new annual non-blacknose SCS quota is 221.6 mt dw. Both fisheries will close when either quota reaches, or is projected to reach, 80 percent of being filled. **NMFS encourages fishermen to avoid blacknose shark catch in order to keep the non-blacknose SCS fishery open as long as possible.**

The quotas for the other shark species/complexes remain the same and are as follows:

\*LCS for Participants in the Shark Research Fishery:

- Sandbar sharks = 87.9 mt dw/year (adjusted quota), (base quota = 116.6 mt dw/year)
- Non-sandbar LCS = 37.5 mt dw/year (adjusted quota), (base quota = 50 mt dw/year)

\*Non-Sandbar LCS for Non-Participants in the Shark Research Fishery:

- Gulf of Mexico Region = 390.5 mt dw/year (adjusted quota), (base quota = 439.5 mt dw/year)
- Atlantic Region = 187.8 mt dw/year (adjusted quota), (base quota = 188.3 mt dw/year)

Porbeagle Shark = 1.7 mt dw/year

Shortfin mako, oceanic whitetip, and common thresher = 488 mt dw/year

Blue shark quota = 273 mt dw/year

\* Quotas were adjusted for overharvests experienced in 2007 as explained in Amendment 2 to the 2006 Consolidated HMS FMP; other quotas are adjusted on an annual basis for over and under-harvests.

*Q2. How many SCS may I keep if I have an incidental or directed shark permit?*

A: There is no trip limit for any SCS for directed shark limited access permit holders. Incidental shark limited access permit holders are limited to 16 SCS (blacknose and non-blacknose SCS combined) and pelagic sharks combined.

*Q3. What species may I keep if I have an incidental or directed shark permit?*

A. As long as the appropriate season is open, incidental and directed shark limited access permit holders may keep blacknose and non-blacknose SCS as well as non-sandbar LCS (*i.e.*, bull, blacktip, spinner, silky, lemon, smooth hammerhead, great hammerhead, scalloped hammerhead, tiger, and nurse sharks), and pelagic sharks (*i.e.*, blue, shortfin mako, thresher, oceanic whitetip, and porbeagle sharks). Only vessels participating in the shark research fishery and carrying an observer are authorized to retain sandbar sharks.

*Q4. What are the prohibited species for the commercial shark fishery?*

A. Commercial permit holders are not authorized to possess 19 species of shark, including: 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. Sandbar sharks are prohibited, with the exception of vessels participating in the shark research fishery and carrying an observer.

*Q5. May I remove fins from sharks while onboard my vessel?*

A. No. All sharks, except for spiny dogfish or sharks that are not federally managed, must have all fins naturally attached through landing and offloading. Atlantic shark fins are not allowed on a vessel unless they are naturally attached to a carcass. Shark fins may be partially cut and folded against the carcass to allow for packing in ice but must remain attached to the carcass by at least a small portion of uncut skin. Commercial permit holders may remove the head and gut and bleed sharks at sea.

## **II. COMMERCIAL PELAGIC SHARKS MANAGEMENT MEASURES**

*Q1. Are there any new regulations for shortfin mako sharks?*

A. NMFS strongly promotes the release of shortfin mako sharks brought to fishing vessels alive in commercial shark fisheries because the species is experiencing overfishing. However, there are no new regulations at this time. Rather, NMFS will take action at the international level to end overfishing of shortfin mako sharks in commercial shark fisheries. If measures are adopted at the international level, NMFS would conduct further rulemaking.

### III. COMMERCIAL GEARS

*Q1. Which commercial gears are authorized for landing sharks?*

A. Authorized commercial gears for landing sharks are gillnet, pelagic longline, bottom longline, handline, rod and reel, and bandit gear.

### VI. RECREATIONAL MEASURES

*Q1. What species of sharks are authorized for recreational anglers (i.e., vessels with an HMS Angling permit, HMS Charter/Headboat permit, or a General Category permit if fishing for sharks in a registered HMS tournament)?*

A. Recreational anglers are authorized to possess all non-ridgeback LCS (blacktip, bull, spinner, great hammerhead, smooth hammerhead, scalloped hammerhead, lemon, and nurse sharks), tiger sharks; SCS (blacknose, finetooth, Atlantic sharpnose, and bonnethead sharks); and, pelagic sharks (blue, shortfin mako, common thresher, oceanic whitetip, and porbeagle sharks). Recreational anglers are prohibited from possessing sandbar sharks and silky sharks, in addition to all prohibited species of sharks. Prohibited shark species are listed under Q4, Section I.

Recreational anglers are also strongly encouraged to release shortfin mako sharks brought to recreational fishing vessels alive.

*Q2. Did the size limit or trip limit change as a result of Amendment 3?*

A. No. Recreational anglers are allowed one shark of an authorized species >54" fork length (FL) per vessel per day. In addition, anglers are allowed to take one Atlantic sharpnose and one bonnethead shark per person per day with no minimum size. Recreational anglers are required to have an HMS angling permit, Charter/Headboat permit, or General Category permit (only authorizes fishing for sharks in a registered HMS tournament).

### V. SMOOTHHOUND (not effective until the beginning of the 2012 smoothhound shark fishing season)

*Q1. Why is NMFS changing the name to 'smoothhound shark'? Why not keep the name 'smooth dogfish'?*

A. NMFS is placing both smooth dogfish and the Florida smoothhound into the 'smoothhound complex.' NMFS intends this name change to minimize any confusion with spiny dogfish regulations. Both smooth dogfish and the Florida smoothhound, which, as described in Amendment 3, are likely the same species, are found in the smoothhound family (Triakidae) and are the only members of the smoothhound family that are found on the Atlantic coast. Spiny dogfish, which have been managed since the early 1990s, is often referred to as 'dogfish' and is found in the dogfish family (Squalidae). Thus, referring to 'smoothhound' in the regulations and requiring a smoothhound permit, rather than a smooth dogfish permit, should help in the long term to eliminate any confusion that might be caused by having two 'dogfish' species and

permits. NMFS expects some confusion in the short term as fishermen adjust to the use of a new term in the regulations. However, as common names of fish are often different in different regions (e.g., striped bass versus rockfish), NMFS does not expect this confusion to last long.

*Q2. Are there any smoothhound management measures in place right now?*

A. No. The management measures in Amendment 3 that pertain to smoothhound sharks will not be effective until the beginning of the 2012 smoothhound shark fishing season.

*Q3. What will be the new commercial quota for smoothhound sharks?*

A. The new annual smoothhound shark quota will be 715.5 mt dw as of the beginning of the 2012 smoothhound shark fishing season.

*Q4. Will I need a permit to retain smoothhound sharks?*

A. Yes. Commercial fishermen will need to purchase an open access smoothhound permit in order to retain smooth dogfish or Florida smoothhound in federal waters. This new commercial permit will only allow the retention of smoothhound sharks. In order to retain non-sandbar LCS, sandbar, or pelagic sharks, commercial fishermen must also have a directed or incidental shark limited access permit. Recreational anglers will need to purchase a HMS Angling permit or a HMS Charter/Headboat permit in order to retain smoothhound in federal waters.

Federal dealers that purchase smoothhound sharks will also need a federal shark dealer permit and will be required to attend shark identification workshops. All of these permit requirements will not be effective until the beginning of the 2012 smoothhound shark fishing season.

*Q5. How many smoothhound sharks can I retain in the commercial and recreational fisheries?*

A. There will be no commercial trip limit or recreational bag limit for smoothhound sharks in federal waters. There will also be no size limit for smoothhound sharks in either fishery.

*Q6. Can I remove the fins of smoothhound sharks while I am at sea?*

A. As of the start of the fishing season in 2012, smoothhound sharks must have all fins naturally attached through landing and offloading. Atlantic shark fins are not allowed on a vessel unless they are naturally attached to a carcass. Shark fins may be partially cut and folded against the carcass to allow for packing in ice but must remain attached to the carcass by at least a small portion of uncut skin. Commercial permit holders may remove the head and gut and bleed sharks at sea. Recreational permit holders may only gut and bleed sharks at sea.

*Q7. Which gears can I use to fish for smoothhound sharks?*

A. Smoothhound sharks can be landed by all the current authorized commercial gears for sharks in federal waters including gillnet, pelagic longline, bottom longline, handline, rod and

reel, and bandit gear. In addition, smoothhound sharks can be landed incidentally by trawl gear. NMFS will conduct a rulemaking before 2012 to clarify those regulations. Recreational anglers can use handline or rod and reel to land smoothhound sharks.

*Q8. Do I have to report my smoothhound shark landings?*

A. Commercial fishermen are encouraged to report their smoothhound shark landings in their federal commercial logbooks; however, they will not be required to report at this time. Federal shark dealers that purchase smoothhound sharks will be required to report smoothhound sharks on their landing reports as of the beginning of the 2012 smoothhound shark fishing season.

## XI. CONTACT LIST

**NATIONAL MARINE FISHERIES SERVICE**  
**HIGHLY MIGRATORY SPECIES MANAGEMENT DIVISION**

Margo Schulze-Haugen, Chief

<http://www.nmfs.noaa.gov/sfa/hms>.

HMS information line (*recorded information only*): (800) 894-5528

Topics	Office	Phone Number and Address
Commercial Swordfish Sharks Exempted fishing permits Atlantic HMS News List Pelagic and bottom longline Protected Species Shark and Swordfish Limited Access permits	HMS Headquarters Office	Phone: (301) 713-2347 Fax: (301) 713-1917  Address: 1315 East-West Highway, NMFS/SF1 Silver Spring, MD 20910
Atlantic tunas Atlantic tunas dealer reporting Bluefin tuna Catch Document Program Charter/Headboat operations International Trade Permit Tuna Longline Permits	HMS Gloucester Office	Phone: (978) 281-9260 Fax: (978) 281-9340  Address: 55 Great Republic Drive, NMFS/SF1 Gloucester, MA 01930
Billfish Recreational Swordfish Tournament registration Billfish Certificate of Eligibility Pelagic longline Shark and Swordfish Limited Access permits Vessel upgrading restrictions	HMS St. Petersburg Office	Phone: (727) 824-5399 Fax: (727) 824-5398  Address: 263 13 <sup>th</sup> Ave. South St. Petersburg, FL 33701

<b>FISHING AND DEALER PERMITS</b>		
<i>- for Atlantic Tunas, Shark, and Swordfish Vessel permits, and Swordfish and Shark Dealer Permits</i>	NMFS Southeast Regional Permit Office Webpage: <a href="http://caldera.sero.nmfs.gov/fishery/permits/permit.htm">http://caldera.sero.nmfs.gov/fishery/permits/permit.htm</a>	Phone: (727) 824-5326  Address: 263 13 <sup>th</sup> Ave. South St. Petersburg, FL 33701
<i>- for Atlantic HMS Charter/Headboat and HMS Angling Vessel Permits -</i>	Automated Permitting System Webpage: <a href="http://www.hmspermits.gov/">http://www.hmspermits.gov/</a>	Phone: (888) 872-8862
<i>- for Atlantic Tunas Dealer Permits and Smoothhound Fishing Permits (smoothhound fishing permit not required until the beginning of the 2012 smoothhound shark fishing season)</i>	NMFS Northeast Region Permit Office Webpage: <a href="http://www.nero.noaa.gov/fso/permits/initlalapp1.htm">www.nero.noaa.gov/fso/permits/initlalapp1.htm</a>	Phone: (978) 281-9370; Fax: (978) 281-9366  55 Great Republic Drive Gloucester, MA 01930
<b>Vessel Monitoring Systems (VMS)</b>		
Kelly Spalding	National VMS Program Manager	(301) 427-2300
Patrick O'Shaughnessy	Southeast VMS Program Manager	(727) 824-5347

Table 1. Overview of the Atlantic shark fisheries. \*Note: *smoothhound measures not effective until the beginning of the 2012 smoothhound shark fishing season.*

Requirement for Specific Fishery	Retention Limits	Quotas	Other Requirements
<p><b>Inside the Commercial Shark Research Fishery</b></p>	<p><b>Sandbar:</b> Trip limit is specific to each vessel and owner(s) combination and is listed on the Shark Research Permit.  <b>Non-sandbar LCS:</b> Trip limit is specific to each vessel and owner(s) combination and is listed on the Shark Research Permit.  <b>SCS, Pelagic &amp; Smoothhound Sharks:</b>  <u>Directed Permits:</u>                      No trip limit for pelagic sharks &amp; SCS  <u>Incidental Permits:</u>                      16 pelagic sharks/SCS combined                      * <i>Smoothhound Permit</i>                      No trip limit for smoothhound sharks</p>	<p><b>Sandbar:</b>  <u>Adjusted Quota:</u> 87.9 mt dw  <u>Base Quota:</u> 116.6 mt dw  <b>Non-sandbar LCS:</b>  <u>Adjusted Quota:</u> 37.5 mt dw  <u>Base Quota:</u> 50 mt dw  <b>Blacknose Sharks:</b> 19.9 mt dw  <b>Non-blacknose SCS:</b> 221.6 mt dw/year  <b>Pelagic Sharks:</b>                      Pelagic sharks (not blue and porbeagle): 273 mt dw/year                      Blue sharks: 488 mt dw  <u>Porbeagle sharks:</u> 1.7 mt dw/year                      * <i>Smoothhound sharks: 715.5 mt dw/year</i></p>	<p>- Need Shark Research Fishery Permit.                      -100 percent observer coverage when participating in research fishery.                      - Adjusted quotas (established through Dec. 31, 2012) may be further adjusted based on future overharvests, if any.                      *<i>Smoothhound measures will not be effective until the beginning of the 2012 smoothhound shark fishing season.</i></p>
<p><b>Outside the Commercial Shark Research Fishery</b></p>	<p><b>Non-sandbar LCS Until Dec. 31, 2012:</b>  <u>Directed Permit:</u> 33 non-sandbar LCS/vessel/trip  <u>Incidental Permit:</u> 3 non-sandbar LCS/vessel/trip  <b>Non-sandbar LCS As of Jan. 1, 2013:</b>  <u>Directed Permit:</u> 36 non-sandbar LCS/vessel/trip  <u>Incidental Permit:</u> 3 non-sandbar LCS/vessel/trip  <b>SCS, Pelagic &amp; Smoothhound Sharks:</b>  <u>Directed Permits:</u>                      No trip limit for pelagic sharks &amp; SCS  <u>Incidental Permits:</u>                      16 pelagic sharks/SCS combined                      * <i>Smoothhound Permit</i>                      No trip limit for smoothhound sharks</p>	<p><b>Non-sandbar LCS:</b>  <u>Adjusted Quota:</u>                      Gulf of Mexico Region: 390.5 mt dw/year;                      Atlantic Region: 187.8 mt dw/year  <u>Base Quota:</u>                      Gulf of Mexico Region: 439.5 mt dw/year;                      Atlantic Region: 188.3 mt dw/year  <b>Blacknose Sharks:</b> 19.9 mt dw  <b>Non-blacknose SCS:</b> 221.6 mt dw/year  <b>Pelagic Sharks:</b>                      Pelagic sharks (not blue and porbeagle): 273 mt dw/year                      Blue sharks: 488 mt dw  <u>Porbeagle sharks:</u> 1.7 mt dw/year                      * <i>Smoothhound sharks: 715.5 mt dw/year</i></p>	<p>-Vessels subject to observer coverage, if selected.                      - Adjusted quotas (established through Dec. 31, 2012) may be further adjusted based on future overharvests, if any.                      *<i>Smoothhound will not be effective until the beginning of the 2012 smoothhound shark fishing season.</i></p>
<p><b>All Commercial Shark Fisheries</b></p>	<p><b>Gears Allowed:</b> Gillnet; Bottom/Pelagic Longline; Rod and Reel; Handline  <b>Authorized Species:</b> Non-sandbar LCS (silky, blacktip, spinner, bull, lemon, nurse, great hammerhead, scalloped hammerhead, smooth hammerhead, and tiger sharks), pelagic sharks (porbeagle, common thresher, shortfin mako, oceanic whitetip, and blue sharks), SCS (bonnethead, finetooth, blacknose, and Atlantic sharpnose sharks); and <i>smoothhound sharks</i>*.  <b>Landings condition:</b> All sharks (sandbar, non-sandbar LCS, SCS, pelagic sharks, and <i>smoothhound sharks</i>*) must have fins naturally attached through offloading; fins can be cut slightly for storage but must remain attached to the carcass via at least a small amount of uncut skin; shark carcasses must remain in whole or log form through offloading. Sharks can have the heads removed but the tails must remain naturally attached.  <b>Permits Required:</b> Commercial Directed or Incidental Shark Permit; <i>Smoothhound permit</i>*  <b>Reporting Requirements:</b> All commercial fishermen must submit commercial logbooks; <i>fishermen are not required to report smoothhound shark landings; however, dealers must report smoothhound shark landings.</i></p>		
<p><b>All Recreational Shark Fisheries</b></p>	<p><b>Gears Allowed:</b> Rod and Reel; Handline  <b>Authorized Species:</b> Non-ridgeback LCS (blacktip, spinner, bull, lemon, nurse, great hammerhead, scalloped hammerhead, smooth hammerhead); tiger sharks; pelagic sharks (porbeagle, common thresher, shortfin mako, oceanic whitetip, and blue sharks); SCS (bonnethead, finetooth, blacknose, and Atlantic sharpnose sharks); and <i>smoothhound sharks</i>*  <b>Landings condition:</b> Sharks must be landed with head, fins, and tail naturally attached  <b>Retention limits:</b> 1 shark &gt; 54" FL vessel/trip, plus 1 Atlantic sharpnose and 1 bonnethead per person/trip (no minimum size); no size or bag limit for <i>smoothhound</i>*  <b>Permits Required:</b> HMS Angling; HMS Charter/Headboat; and, General Category Permit Holders (fishing in a shark tournament)  <b>Reporting Requirements:</b> Participate in MRIP and LPS if contacted</p>		

Definitions of Acronyms in Table 1: Fork Length (FL); Highly Migratory Species (HMS); Large Coastal Sharks (LCS); Large Pelagic Survey (LPS); Marine Recreational Information Program (MRIP); Small Coastal Sharks (SCS)