



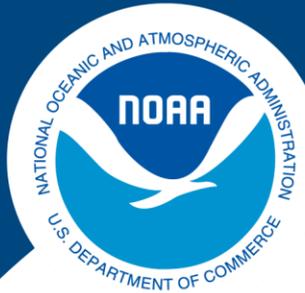
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Atlantic Highly Migratory Species Atlantic HMS Essential Fish Habitat / Shark Discussions

Atlantic Highly Migratory Species Advisory Panel Meeting
March 30, 2016

Atlantic HMS Habitat-Related Issues

- Amendment 10 - Atlantic HMS Essential Fish Habitat presentation – *Jennifer Cudney (HMS Division)*
- 2016 Atlantic Shark Commercial Fishing Season Rule; Public Feedback on Southeastern Florida Lemon Shark Aggregations – *Guy DuBeck (HMS Division)*
- Lemon Sharks: Update on Biology, Fisheries, and Status – *John Carlson (SEFSC)*



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Atlantic Highly Migratory Species Draft Amendment 10 Essential Fish Habitat (EFH)

**HMS Advisory Panel meeting
March 30, 2016**

HMS EFH... What Is It?

Magnuson-Stevens Act (MSA) identifies EFH as “those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity”

- Sustainable Fisheries Act of 1996
- Federally managed species only
- May or may not include state waters
- Must be periodically reviewed and revised

Timeline of HMS EFH Actions

- 1999:** EFH is first designated for Atlantic HMS
- 2006:** Consolidated HMS Fishery Management Plan – Announced intent to revise EFH
- 2009:** Amendment 1 – Completed initial 5-year review and update of EFH for Atlantic HMS
- 2010:** Amendment 3 – Designated EFH for smoothhound complex

Interpretive rule – Recognized roundscale spearfish, added species to the management unit, and designated EFH
- 2014:** Atlantic HMS EFH 5-Year Review - Initiated
- 2015:** Atlantic HMS EFH 5-Year Review – Finalized; Notice Of Intent to prepare Amendment 10
- 2016:** Draft Amendment 10 in development



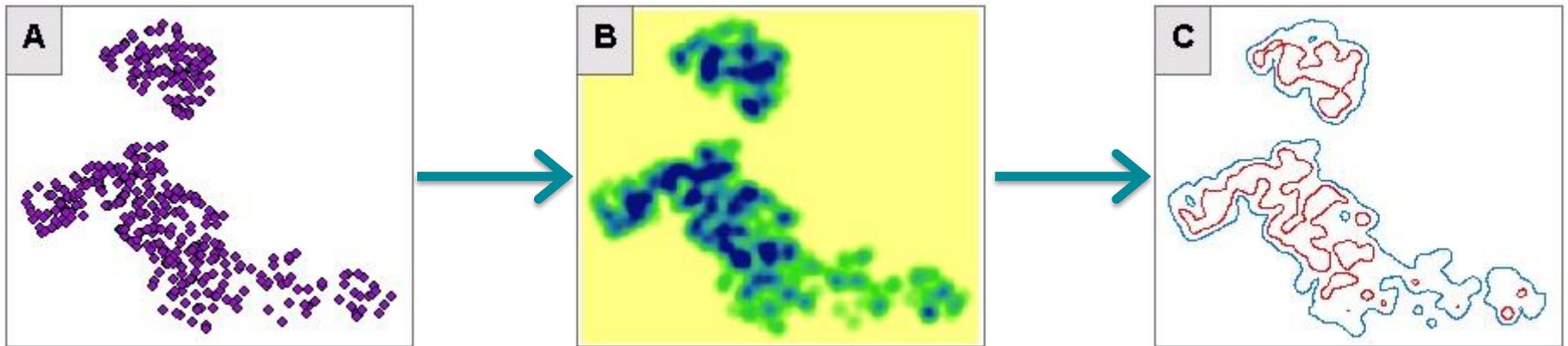
How Do We Identify Atlantic HMS EFH?

- Data requests ongoing since October 2015:
 - 56 individual data requests to non-NOAA partners
 - 15 points of contact within NOAA
- Received to date:
 - Papers with geographic data from authors
 - 35 datasets – some constitute multiple years or research projects, or large regional datasets (e.g., SEAMAP and COASTSPAN)

If you have information to contribute, please email
Jennifer Cudney (jennifer.cudney@noaa.gov)
or Peter Cooper (peter.cooper@noaa.gov)

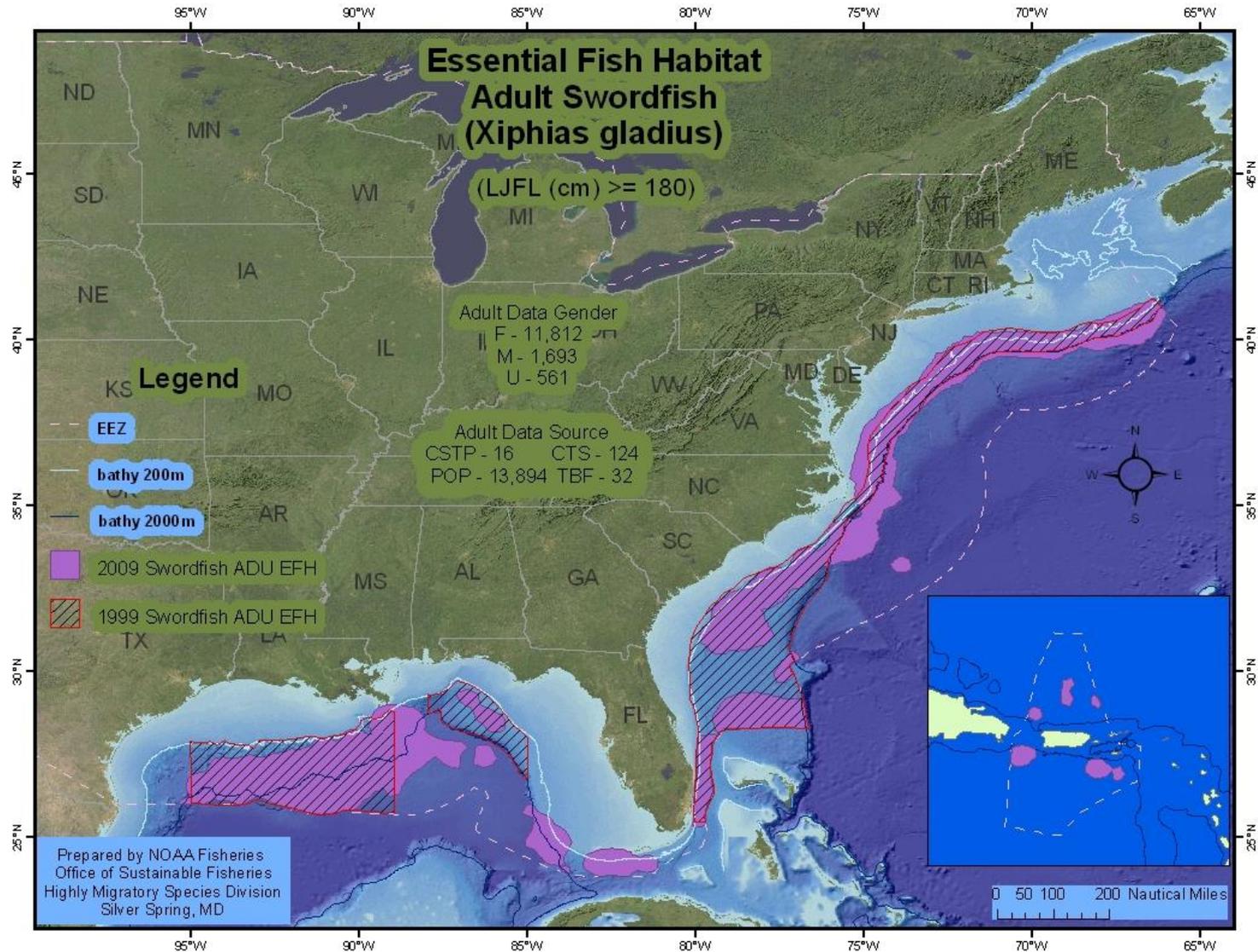
How Do We Identify Atlantic HMS EFH?

- Kernel Density Estimation / 95% Volume Contour Method



Images of an example depicted on
the Hawth's Tools Homepage,
www.spatalecolology.com

How Do We Identify Atlantic HMS EFH?



EFH Is Also...

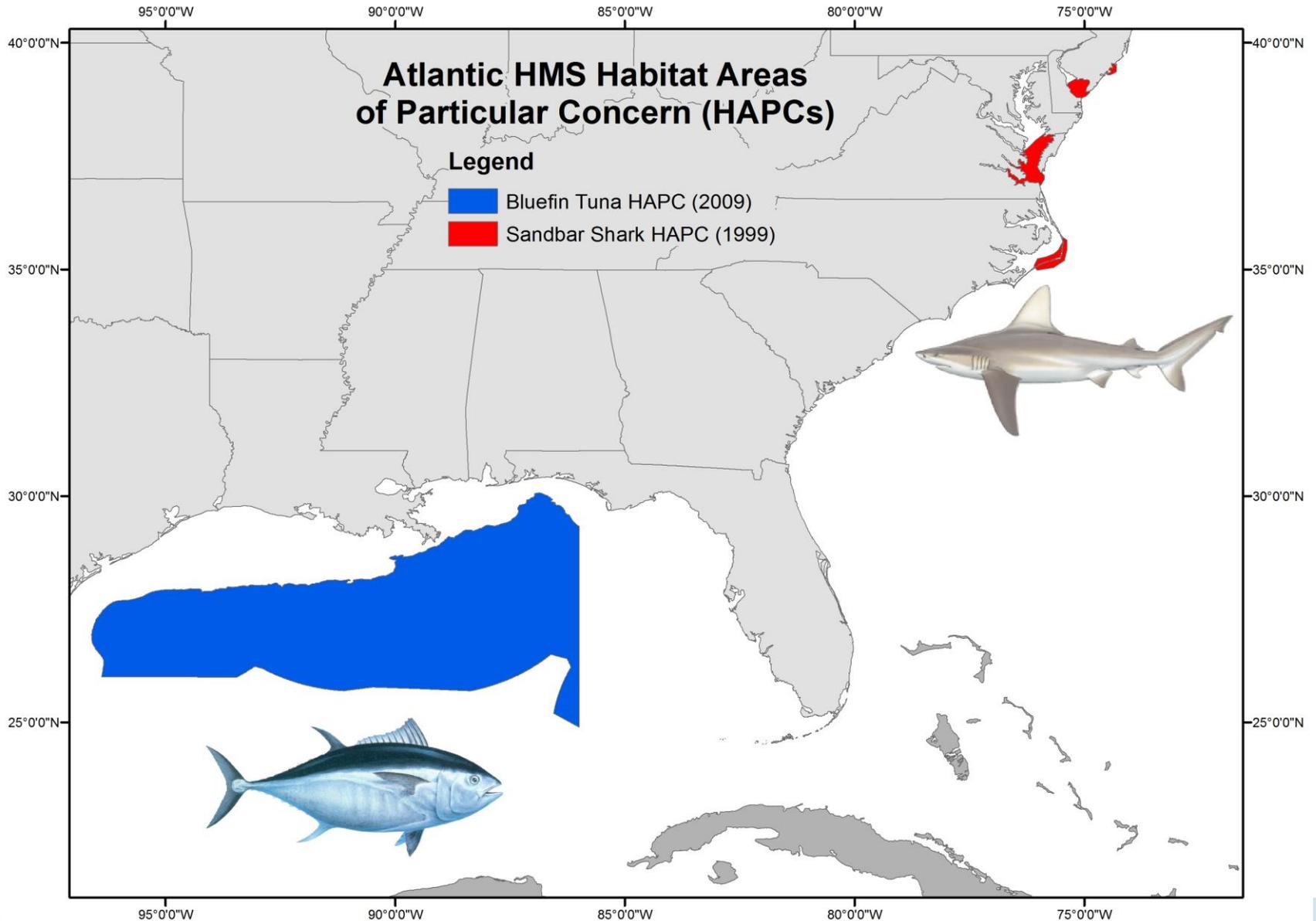
- Identification of areas that are important to federally managed fish populations
- Derived from data points collected by NMFS and partner institutions
- A process to review and incorporate new scientific information into EFH designations

What is a Habitat Area of Particular Concern (HAPC)?

HAPCs are subsets of EFH that are one or more of the following:

- Rare
- Has particular ecological importance to a federally managed stock
- Is particularly susceptible to human-induced degradation
- Is located in an environmentally stressed area

What are HMS HAPCs?



EFH and HAPC Designations...

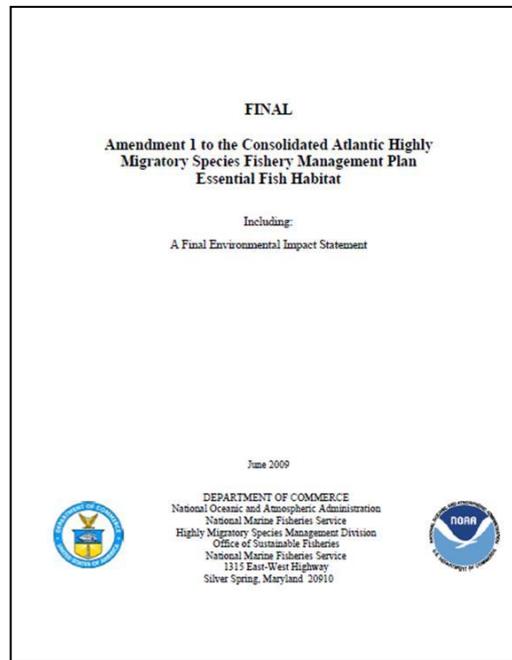
What are they NOT?

- EFH designations and Habitat Areas of Particular Concern (HAPCs) are NOT time/area closures
- Updating EFH boundaries in conjunction with implementing time/area closures would require notice and comment rulemaking and detailed ecological, economic, and social analyses

HMS Essential Fish Habitat (EFH)...

End Products

- Updated, concise summary of life history, habitat, and distribution information for each managed species



- A resource for NMFS Office of Habitat Conservation to use in completing habitat consultations

NMFS EFH Consultations

- Federal agencies must initiate a formal consultation process with NOAA Fisheries if federal actions or activities may adversely affect EFH
- May result in conservation recommendations to avoid, reduce or mitigate impacts to EFH

Process from here...

Spring 2016

Development of Draft Amendment 10:

- Receive data from partners
- Complete analyses
- Update EFH text descriptions

Fall 2016

Draft Amendment 10 available for public comment

Winter 2017

Final Amendment 10 available

<http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am10/index.html>

Questions?

Amendment 10 Team:

Craig Cockrell	Fish Biologist
Peter Cooper	Fishery Management Specialist
Jennifer Cudney	Fish Biologist
Katie Davis	Fish Biologist
Steve Durkee	Fishery Management Specialist
Delisse Ortiz	Fishery Management Analyst
Dianne Stephan	Fishery Management Specialist
Cristina Urizar	Oceographer
Jackie Wilson	Fishery Management Specialist
Randy Blankinship	Branch Chief, SE HMS Branch

<http://www.nmfs.noaa.gov/sfa/hms/documents/fmp/am10/index.html>



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Atlantic Highly Migratory Species 2016 Atlantic Shark Commercial Fishing Season Rule and Lemon Shark Concerns

**HMS Advisory Panel meeting
March 30, 2016**

Shark 2016 Proposed Shark Season Rule

- Published on August 18, 2015 (80 FR 49974)
- Proposed opening all shark management groups on or about January 1, 2016, and:
 - Starting the season with a directed shark LAP retention limit of 45 LCS other than sandbar sharks per vessel per trip
 - Adjusting the retention limit inseason as needed
 - Increasing the GOM blacktip shark management group sub-regional quotas based on underharvests
 - Decreasing the GOM non-blacknose SCS and Atlantic blacknose quotas based on overharvest
- Comment period closed on September 17, 2015

Public Comments on Proposed Rule Regarding Opening Date

- NMFS received six written comments and five verbal comments from fishermen, dealers, states, and the public
- Majority of the comments supported the proposed opening on January 1 for aggregated LCS & HH groups at 45 sharks/trip, and adjusting the limit inseason so the majority of the quota is available later in the year
- Some comments opposed the proposed opening date of January 1 with inseason retention limit adjustments due to 1) concerns about equitable fishing opportunities for state water fishermen, 2) preference to fish for sharks in October - December, and 3) market price of shark products
- No comments received concerning impacts to lemon shark aggregations

Shark 2016 Final Shark Season Rule

- Published on December 1, 2015 (80 FR 74999)
- Opened all shark management groups on January 1, 2016
- GOM retention limit: 45 LCS other than sandbar sharks per vessel per trip
- ATL retention limit: 36 LCS other than sandbar sharks per vessel per trip
 - If quota is landed too quickly (e.g. if approximately 20 percent of quota is caught at the beginning of the year), NMFS anticipates inseason reduction (e.g., to 3 or fewer LCS other than sandbar sharks per vessel per trip), then inseason increase to 45 LCS other than sandbar sharks per vessel per trip around July 15, 2016
- Increased the GOM blacktip shark management group sub-regional quotas based on underharvests
- Decreased the GOM non-blacknose SCS and Atlantic blacknose quotas based on overharvest

After the Final Rule Published

- Public concern regarding the lemon shark aggregation off the east coast of Florida and the January 1 opening date
 - Over 600 e-mails and 40 phone calls to HMS
 - A petition to postpone the opening date and requested an emergency petition to delay the start date of the commercial fishing
 - Numerous articles were published about the shark season rule
 - Florida Fish and Wildlife Conservation Commission requesting development of management measures for additional protection for Southeast Florida lemon shark aggregations
- NMFS held a public conference call on December 11, 2015, to answer questions regarding the Atlantic commercial shark fishery

Petition to NOAA Fisheries to Stop Commercial Shark Fishing for January 1, 2016

- Received on December 8, 2015
 - Petition came after the public comment period closed and after the final rule was published
 - Challenges decision to open commercial fishing for Florida sharks including hammerhead, tiger, and lemon for January 2016 and requested an emergency hearing to delay the start date of commercial fishing
 - We treated as an emergency petition for rulemaking
- Reasons for denying request
 - Petition provided no new or additional information that was not previously considered by the agency or that warranted re-proposing or amending the rule
 - Petition did not present recent, unforeseen events, recently discovered circumstances, or serious conservation or management problems in the fishery

2016 LCS Landings in the Atlantic Region

Shark Commercial Landings from January 1 - March 18, 2016

Management Group	Shark Species	Landings	Total Landings	2016 Quota	% of 2016 Quota
Aggregated LCS	Blacktip	5.4 mt dw (11,953 lb dw)	16.6 mt dw (36,535 lb dw)	168.9 mt dw (372,552 lb dw)	10%
	Bull & Silky	1.4 mt dw (3,000 lb dw)			
	Lemon	2.6 mt dw (5,783 lb dw)			
	Tiger	0.4 mt dw (923 lb dw)			
	Spinner	6.7 mt dw (14,876 lb dw)			
Hammerhead	Scalloped & Great	4.7 mt dw (10,389 lb dw)	4.7 mt dw (10,389 lb dw)	27.1 mt dw (59,736 lb dw)	17%

**Shark species are grouped due to confidentiality

Lemon Sharks and EFH

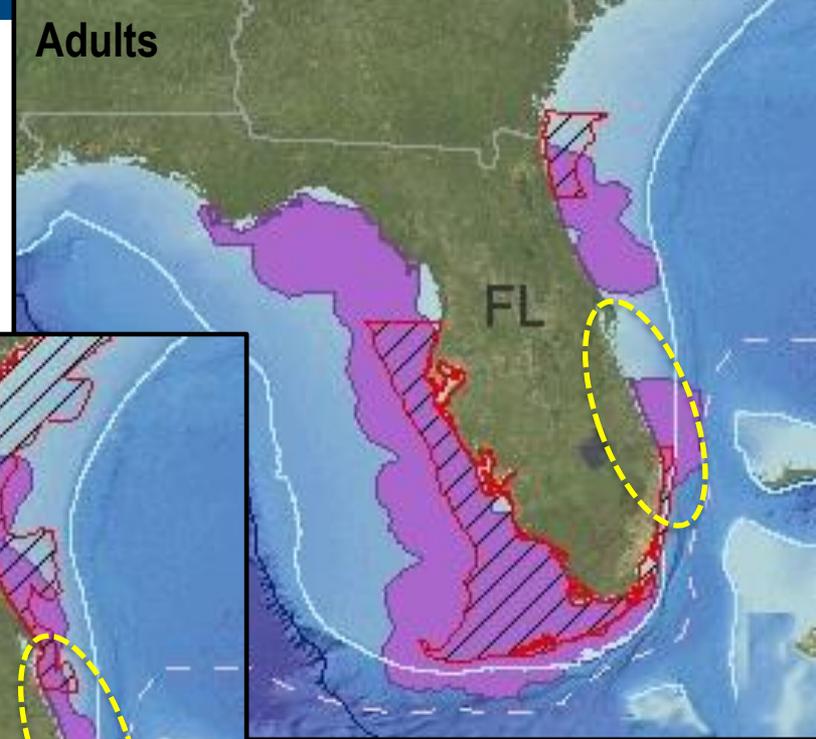
- Public requests for management measures
- Aggregations occur in areas designated as EFH



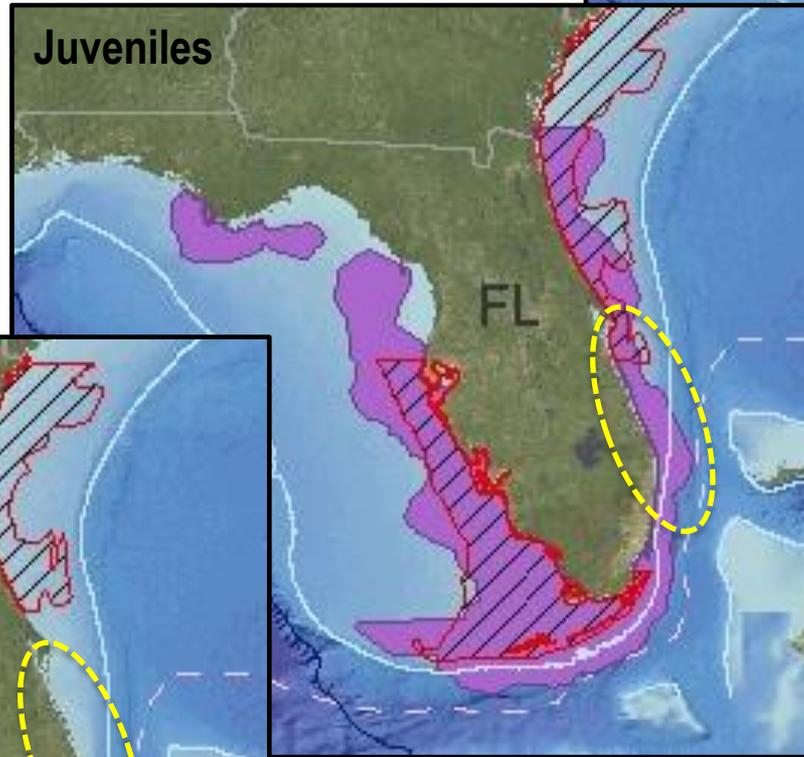
©Neil Hammerschlag, RQCSR. <http://www.elasmo-research.org/education/ecology/images/lemon1.jpg>

Lemon Shark EFH – Southeastern Florida

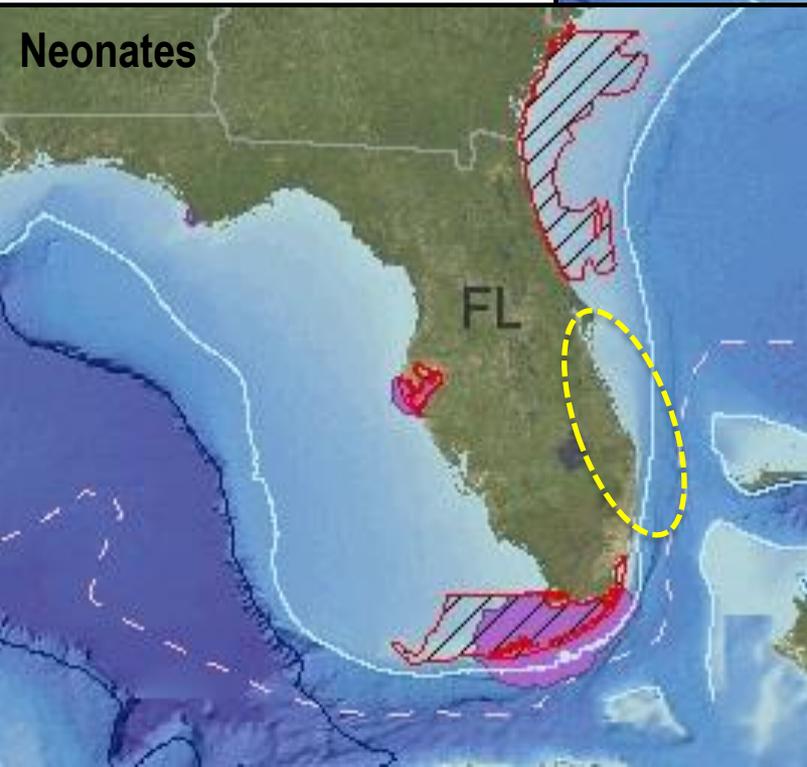
Adults



Juveniles



Neonates



Yellow circles correspond to areas of public concern for lemon shark aggregations

HMS EFH 5-Year Review (June 2015): Lemon Sharks

- New management unit (Aggregated LCS)
- New tagging studies off southeastern Florida
- Update(s) to EFH is warranted

Looking Ahead to Draft Amendment 10

- The possibility of an HAPC designation would be explored in Draft Amendment 10



What would revised EFH designations do for lemon sharks?

Identify areas or habitats in which:

- Additional coordination and communication between NOAA Fisheries and Federal agencies would be required for Federal projects or activities that could affect important habitats
- Assessments of Federal project impacts (e.g., dredging, marine construction) on lemon shark habitat
- Development of EFH conservation recommendations if/when necessary