

1.0 INTRODUCTION

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) is the primary Federal legislation governing the management and executive processes for marine fisheries of the United States. The National Standard (NS) 2 guidelines (50 CFR 600.315) require the National Marine Fisheries Service (NMFS) to prepare a Stock Assessment and Fishery Evaluation (SAFE) Report, or similar document, review it annually, and make changes as necessary for each fishery management plan (FMP). This document constitutes the 2009 SAFE Report for Atlantic highly migratory species (HMS) managed under the 2006 Consolidated HMS Fishery Management Plan (FMP).

Consistent with the NS 2 guidelines, this 2009 SAFE Report provides a summary of the best available scientific information on the condition of HMS stocks, marine ecosystems, and fisheries managed under Federal regulation. It also provides updated information regarding the economic status of HMS fisheries, fishing communities, and industries, as well as the socio-economic and environmental impacts of recently implemented regulations. This information evaluates the effectiveness of federal and state Atlantic HMS management programs, and provides a basis for future management decisions.

This document is one method utilized by NMFS to introduce new information, identify potential new management issues, and begin a preliminary assessment and evaluation of fishery regulations. This SAFE Report includes the latest stock assessment data, recommendations, and resolutions from the International Commission for the Conservation of Atlantic Tunas (ICCAT) and its Standing Committee on Research and Statistics (SCRS). The report also includes the latest domestic shark assessment information. In compliance with the NS 2 guidelines, the report presents a comprehensive summary of the most recent Atlantic HMS fisheries-related data from a variety of sources across a wide range of disciplines.

1.1 Summary and Update on HMS Management Division Activities and Regulatory Actions In 2009

Table 1.1 provides a list of most of the abbreviations and acronyms that are used in this document or that are commonly used in fisheries management.

From January 1 through December 2009, NMFS enacted or proposed a number of actions with regard to Atlantic HMS. All such actions published in the Federal Register during that timeframe are listed in Table 1.2. Most documents related to these actions can be found on the Atlantic HMS webpage at <http://www.nmfs.noaa.gov/sfa/hms/>. Actions taken before January 1, 2009, are noted in similar tables in previous SAFE reports. A summary of the actions listed in the table is presented below.

NMFS held HMS Advisory Panel meetings February 18 - 19, 2009, and September 9 - 11, 2009, in Silver Spring, MD (Nov. 13, 2008, 73 FR 67135; Aug. 5,

2009, 74 FR 39063, respectively). These meetings provided valuable comments on a suite of management actions that NMFS pursued or considered in 2009. Summaries of these discussions and comments can be found on the HMS website at: <http://www.nmfs.noaa.gov/sfa/hms/>, along with the meeting transcripts. These documents are also available by calling the HMS Management Division at 301-713-2347.

On June 1, 2009, NMFS released an Advance Notice of Proposed Rulemaking (ANPR) (74 FR 26174). The ANPR requested public comment on potential adjustments to the regulations primarily governing the U.S. Atlantic tuna and bluefin tuna, and North Atlantic swordfish to enable more thorough utilization of the available bluefin tuna and Swordfish quotas. Some management measures that were included in the ANPR were included in the proposed rule to adjust the Atlantic bluefin tuna regulations (Nov. 4, 2009, 74 FR 57218). NMFS is considering future course of actions for the remaining management measures. Any proposed actions must balance efforts to end overfishing of, and rebuild bluefin tuna while providing an opportunity to harvest the U.S. quota and revitalize the swordfish fishery.

On June 12, 2009, NMFS published the Notice of Availability for Final Amendment 1 to the Consolidated HMS FMP for Essential Fish Habitat (EFH) (74 FR 28018). The amendment updated EFH for Atlantic HMS including designation of a new Habitat Area of Particular Concern (HAPC) for bluefin tuna in the Gulf of Mexico. The amendment also analyzed potential fishing impacts on EFH and concluded that HMS gears were not having more than a minimal and temporary effect on EFH. As a result, no management measures were proposed to minimize fishing impacts.

On July 24, 2009, NMFS published a proposed rule for Draft Amendment 3 to the Consolidated HMS FMP (74 FR 36892) for small coastal sharks (SCS), pelagic sharks, and smooth dogfish. The proposed rule and amendment would implement measures to rebuild blacknose sharks, prevent overfishing of shortfin mako and blacknose sharks, and implement management measures for smooth dogfish. On August 10, 2009, NMFS extended the comment period until September 25, 2009 (74 FR 39914). Since annual catch limits (ACLs) and accountability measures (AMs) need to be implemented for all overfished stocks by 2010, NMFS proposed a delay to the start of the small coastal shark (SCS) fishing season until the effective date of the final rule sometime in mid to late Spring 2010 (October 28, 2009, 74 FR 55526).

Besides FMP amendments, NMFS conducted other rulemakings relating to Atlantic HMS. In April and June NMFS released the proposed and final annual swordfish specifications, respectively (April 7, 2009, 74 FR 15669; June 1, 2009, 74 FR 26174). In June, NMFS published notices closing the commercial non-sandbar large coastal shark fishery in the Gulf of Mexico (June 4, 2009, 74 FR 30479), and in the non-sandbar portion of the shark research fishery and Atlantic region (June 26, 2009, 74 FR 30479). The sandbar portion of the shark research fishery closed in October (October 6, 2009, 74 FR 51241). NMFS issued inseason retention limits for bluefin tuna in August (74 FR 44296), and in February, June, and September NMFS announced additional Atlantic shark identification and protected species safe handling, release, and

identification workshops (February. 27, 2009, 74 FR 8913; June 10, 2009, 74 FR 27506; September. 10, 2009, 74 FR 46572). On October 28, 2009, NMFS issued a proposed rule for the 2010 Shark Specifications (74 FR 55526), and on October 30, 2009, NMFS announced its intention to issue shark research fishery permits and requested applications (74 FR 56177). NMFS also requested nominations for the HMS Advisory Panel on October 26, 2009 (74 FR 54964). On November 23, 2009, NMFS announced its intent to issue exempted fishing permits, scientific research permits, display permits, and letters of acknowledgement (74 FR 61105).

NMFS also requested comments for several data collections, per the Paperwork Reduction Act (PRA), and announced the fall meetings of the Advisory Committee to the U.S. section of ICCAT.

While not specific to Atlantic HMS, NMFS has also released a number of rules to implement measures in the Magnuson-Stevens Act that could impact Atlantic HMS management. These rules include, but are not limited to, the Experimental Permitting Process, Exempted Fishing Permits, Scientific Research Activity (Aug. 25, 2009, 74 FR 42786), and improving implementation and of the PRA (Oct. 27, 2009, 74 FR 55269).

NMFS also coordinated with the U.S. Fish and Wildlife Service on a potential listing of Atlantic bluefin tuna under the Convention on International Trade in Endangered Species (CITES) (July 13, 2009, 74 FR 33460). On October 16, 2009, the U.S. Fish and Wildlife Service announced its intent to propose listing several species of shark including oceanic whitetip, scalloped, smooth, and great hammerheads, sandbar, and dusky shark under Appendix 2 of CITES (<http://www.fws.gov/news/NewsReleases/showNews.cfm?newsId=5E734AB0-0D2D-583A-B91F88A91A07DD71>.)

Atlantic White Marlin Genus Name Change to *Kajikia*

Section 3 of the Magnuson-Stevens Act defines HMS as “tuna species, marlin (*Tetrapturus* spp. and *Makaira* spp.), oceanic sharks, sailfishes (*Istiophorus* spp.), and swordfish (*Xiphias gladius*).” The genus name of Atlantic white marlin has been changed from *Tetrapturus* to *Kajikia* and the Integrated Taxonomic Information System, of which NOAA is a partner, and the American Fisheries Society have embraced this name change. NMFS has adopted the genus name change for white marlin with no effect on the management of Atlantic white marlin.

Table 1.1 List of Commonly Used Fishery Management Abbreviations, Acronyms, and Initials.

AA	Assistant Administrator for Fisheries
ABC	Acceptable biological catch
ACCSP	Atlantic Coastal Cooperative Statistics Program
ACL	Annual catch limit
ACS	Angler consumer surplus
ACT	Annual catch target
AM	Accountability measure
ANPR	Advanced Notice of Proposed Rulemaking
AOCTRP	Atlantic Offshore Cetacean Take Reduction Plan
AOCTRT	Atlantic Offshore Cetacean Take Reduction Team
AP	Advisory Panel
APA	Administrative Procedure Act
ASMFC	Atlantic States Marine Fisheries Commission
ATCA	Atlantic Tunas Convention Act
B	Biomass
BAYS	Bigeye, albacore, yellowfin, skipjack tunas
BiOp	Biological Opinion
B _{MSY}	Biomass expected to yield maximum sustainable yield
B _{OY}	Biomass expected to yield optimum yield
CAR	Caribbean
CFMC	Caribbean Fishery Management Council
CFL	Curved fork length
CFR	Code of Federal Regulations
CHB	Charter/Headboat
CIE	Center for Independent Experts
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CPUE	Catch per unit effort
CSFOP	Commercial shark fishery observer program
CZMA	Coastal Zone Management Act

DEIS	Draft Environmental Impact Statement
DPS	Distinct population segment
dw	Dressed weight
EA	Environmental Assessment
EEZ	Exclusive economic zone
EFH	Essential fish habitat
EFP	Exempted fishing permit
EIS	Environmental Impact Statement
EO	Executive Order
ESA	Endangered Species Act
F	Instantaneous fishing mortality
FAD	Fish aggregating device
FAO	Food and Agriculture Organization
FEC	Florida East Coast
FEIS	Final Environmental Impact Statement
FL	Fork Length
FMP	Fishery Management Plan
F_{MSY}	Instantaneous fishing mortality rate expected to yield maximum sustainable yield
FMU	Fishery management unit
F_{OY}	Fishing mortality rate expected to yield optimum yield
FR	Federal Register
FRFA	Final regulatory flexibility analysis
GOM	Gulf of Mexico
GSAFF	Gulf and South Atlantic Fishery Foundation
GMFMC or GOMFMC	Gulf of Mexico Fishery Management Council
GSMFC	Gulf States Marine Fisheries Commission
HAPC	Habitat area of particular concern
HMS	Highly migratory species: Atlantic sharks, tunas, swordfish, and billfish
HMS FMP	Consolidated Highly Migratory Species Fishery Management Plan
ICCAT	International Commission for the Conservation of Atlantic Tunas
IPOA	International Plan of Action

IRFA	Initial regulatory flexibility analysis
ITP	International trade permit
ITQ	Individual transferable quota
ITS	Incidental take statement
IUU	Illegal, unreported, unregulated
LAP	Limited access permit
LCS	Large coastal sharks
LOA	Letter of acknowledgment
LPS	Large Pelagic Survey
LWTRP	Large Whale Take Reduction Plan
LWTRT	Large Whale Take Reduction Team
MAB	Mid Atlantic Bight
MAFMC	Mid-Atlantic Fishery Management Council
Magnuson-Stevens Act	Magnuson-Stevens Fishery Conservation and Management Act
MFMT	Maximum fishing mortality threshold
MMPA	Marine Mammal Protection Act
MPA	Marine protected area
MRFSS	Marine Recreational Fishing Statistics Survey
MSST	Minimum stock size threshold
MSY	Maximum sustainable yield
mt	Metric tons
NCA	North Central Atlantic
NEC	Northeast Coastal
NED	Northeast Distant Waters
NEFMC	New England Fishery Management Council
NEFSC	Northeast Fisheries Science Center
NEPA	National Environmental Policy Act
NERO	Northeast Regional Office
NGO	Non-governmental organization
nmi	Nautical mile
NOA	Notice of Availability
NMFS	National Marine Fisheries Service

NOAA	National Oceanographic and Atmospheric Administration
NOI	Notice of Intent
NPOA	National Plan of Action
NS	National Standards
NWGB	National Working Group on Bycatch
OSF	Office of Sustainable Fisheries
OY	Optimum yield
PLL	Pelagic longline
POP	Pelagic observer program
OPR	Office of Protected Resources
PRA	Paperwork Reduction Act
Reg Flex Act	Regulatory Flexibility Act
RFMO	Regional Fishery Management Organization
RIR	Regulatory Impact Review
RPAs	Reasonable and Prudent Alternatives
RPMs	Reasonable and Prudent Measures
SAB	South Atlantic Bight
SAFE Report	Stock Assessment and Fishery Evaluation report
SAFMC	South Atlantic Fishery Management Council
SAR	Sargasso
SBRM	Standardized bycatch reporting methodology
SCRS	Standing Committee for Research and Statistics
SCS	Small coastal sharks
SDC	Status determination criteria
SEFSC	Southeast Fisheries Science Center
SEIS	Supplemental environmental impact statement
SERO	Southeast Regional Office
SEW	Stock evaluation workshop
SFA	Sustainable Fisheries Act
SFL	Straight fork length
SK Program	Saltonstall-Kennedy Program
SRP	Scientific research permit
SSB	Spawning stock biomass

TAC	Total allowable catch
TAL	Total allowable landings
TCs	Terms and Conditions
TL	Total length
TUN	Tuna North
TUS	Tuna South
USCG	United States Coast Guard
USFWS	United States Fish and Wildlife Service
VMS	Vessel monitoring system
VTR	Vessel trip report
WTP	Willingness to pay
ww	Whole weight

Table 1.2 Summary of NMFS' Atlantic HMS Fisheries Actions as of December 02, 2009.

Action Type NMFS ID#	50 CFR Part	Action Description	Publication Info
Proposed Rule RIN 0648-AX12	635	2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls	Feb. 18, 2009 74 FR 7577
Notice RIN 0648-XN27	NA	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	Feb. 27, 2009 74 FR 8913
Final Rule RIN 0648-AW61	635	Atlantic Swordfish Quotas	April 7, 2009 74 FR 15669
Final Rule RIN 0648-AV65	229	Pelagic Longline Take Reduction Plan	May 19, 2009 74 FR 23349
Final Rule RIN 0648-AX12	635	2009 Atlantic Bluefin Tuna Quota Specifications and Effort Controls	June 1, 2009 74 FR 26110
ANPR RIN 0648-AX85	635	Atlantic Bluefin Tuna and Swordfish Management Measures and HMS Permit Requirements	June 1, 2009 74 FR 26174
Fishery Closure RIN 0648-XP47	635	Inseason Action to Close the Commercial Gulf of Mexico Non-Sandbar Large Coastal Shark Fishery	June 4, 2009 74 FR 26803
Notice RIN 0648-XP24	NA	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	June 10, 2009 74 FR 27506
Notice RIN 0648-AV00	NA	Notice of Availability of Final Environmental Impact Statement and Fishery Management Plan Amendment for Essential Fish Habitat	June 12, 2009 74 FR 28018
Notice RIN 0648-XN11	NA	Notification of Determination Overfishing and Approaching an Overfished Condition for Shortfin Mako Shark	June 19, 2009 74 FR 29185
Fishery Closure RIN 0648-XP91	635	Inseason Action to Close the Commercial Non-Sandbar Large Coastal Shark Fisheries in the Shark Research Fishery and Atlantic Region	June 26, 2009 74 FR 30479
Proposed Rule RIN 0648-AW65	229, 600, 635	Atlantic Shark Management Measures; Amendment 3	July 24, 2009 74 FR 36892
Proposed Rule RIN 0648-AX07	300, 635	North and South Atlantic Swordfish Quotas	Aug. 5, 2009 74 FR 39032

Action Type NMFS ID#	50 CFR Part	Action Description	Publication Info
Notice RIN 0648-XP99	NA	Meeting of the HMS Advisory Panel	Aug. 5, 2009 74 FR 39063
Notice RIN 0648-AW65	229, 600, and 635	Proposed Rule; Extension of Comment Period for Atlantic Shark Management Measures; Amendment 3	Aug. 10, 2009 74 FR 39914
Temporary Rule RIN 0648-XQ90	635	Atlantic Bluefin Tuna Fisheries; inseason retention limit adjustment.	Aug. 28, 2009 74 FR 44296
Notice RIN 0648-XQ84	635	Notice of Atlantic Shark Identification and Protected Species Safe Handling, Release, and Identification Workshops	Sept. 10, 2009 74 FR 46572
Fishery Closure RIN 0648-XR10	635	Inseason Action to Close the Commercial Sandbar Shark Research Fishery	Oct. 6, 2009 74 FR 51241
Inseason Action RIN 0648-XS22	635	Inseason Action; Notification of Applicable Longline Category Incidental Retention Limits	Oct. 20, 2009 74 FR 53671
Notice	NA	Atlantic Highly Migratory Species; Advisory Panel; Request for nominations	Oct. 26, 2009 74 FR 54964
Proposed Rule RIN 0648-AX95	635	Atlantic Commercial Shark Management Measures	Oct. 28, 2009 74 FR 55526
Notice of Intent RIN 0648-XQ61	635	Atlantic Shark Management Measures; 2010 Research Fishery	Oct. 30, 2009 74 FR 56177
Proposed Rule RIN 0648-AX85	635	Atlantic Bluefin Tuna Season and Retention Limit Adjustment	Nov. 4, 2009 74 FR 57128
Notice of Intent RIN 0648-X85	635	Exempt Fishing, Scientific Research, Scientific Research, Display, and Chartering Permits; Letters of Acknowledgment	Nov. 23, 2009 74 FR 61105
Proposed Rule RIN 0648-XQ38	635	2010 Atlantic Bluefin Tuna Quota Specifications	Dec. 2, 2009 74 FR 63095

1.2 2009 Accomplishments of the International Commission for the Conservation of Atlantic Tunas (ICCAT)

ICCAT is an international regional fishery management organization (RFMO) with 48 members, including the United States. The 21st Regular Meeting of ICCAT was held in Recife, Brazil, November 6-15, 2009. It was preceded by the first meeting of the Commission's Working Group on Sport and Recreational Fishing and two days of Compliance Committee meetings. The United States helped develop recommendations

aimed at promoting the conservation, management, and rebuilding of Atlantic highly migratory fish stocks (e.g., tunas, swordfish, sharks), including those critical to U.S. fishermen. ICCAT made progress on a number of issues, including compliance issues and action to address the decline of eastern Atlantic bluefin tuna. Dr. Christopher Rogers, of the United States, was reelected for a two year term as Chairman of the Commission's Compliance Committee.

North Atlantic Swordfish: In 2009, ICCAT adopted recommendation 09-02, which reduced the total allowable catch (TAC) from 14,000 mt to 13,700 mt, in line with scientific advice. With the exception of this reduction in the TAC, the measure essentially extends recommendation 06-02 through 2010. The measure continues the United States' allocation of 3,907 mt, and continues carry forward caps for Contracting Parties, Co-operating Non-Contracting Parties, Entities or Fishing Entities (CPCs). The maximum underharvest that a CPC may carry over cannot exceed 50 percent of its quota allocation, which is 1,953.5 mt for the United States under the current allocation scheme. Furthermore, it extended a clause that allows CPCs with a TAC allocation to make a one-time transfer within a fishing year of up to 15 percent of its TAC allocation to other CPCs with TAC allocations. It also continues to allocate 1,345 mt of U.S. underharvest from the previous management period to the TAC for the next management period in an effort to accommodate interest expressed by a number of developing CPCs to develop fisheries for North Atlantic swordfish. The Recommendation also extends a provision allowing the United States to harvest up to 200 mt of its annual catch limit between 5 degrees North latitude and 5 degrees South latitude, and a provision transferring 25 mt from the United States to Canada.

South Atlantic Swordfish: The Commission adopted Recommendation 09-03, which includes a TAC of 15,000 mt each year for the period 2010-2012, with an aggregate cap of 45,000 mt over the three year management period. A 2,000 mt reduction in the TAC (from 17,000 mt to 15,000 mt) was prorated for all parties based on allocations per Recommendation 06-03, with an exception for CPCs with quotas of 100 mt or less. The United States was allocated 100 mt annually with the ability to carry forward up to 100 mt each year. The Recommendation included limited transfer provisions from a number of CPCs to Namibia (50 mt), and from the United States to Cote d'Ivoire (25 mt) and Belize (25 mt).

Western Atlantic Bluefin Tuna: No new measures were adopted for Western Atlantic bluefin tuna in 2009. In 2008, Recommendation 08-04 was adopted setting the western Atlantic bluefin tuna TAC for 2009 and 2010 at 1900 mt and 1800 mt, respectively. These TACs represented a 10 percent and 14 percent reduction, respectively, from the 2008 TAC of 2100 mt and were intended to stop overfishing by 2010 with a 75 percent probability of success. The TACs also substantially increased the probability of rebuilding the stock by 2019, consistent with the 1998 rebuilding program. Another notable change between Recommendation 08-04 and Recommendation 06-06 was that the 10 percent tolerance for landings of western Atlantic bluefin tuna <115 cm (primarily the U.S. school fishery) is now to be managed over a two-year period (2009-2010) rather than a four-year period. Recommendation 08-04 also included provisions

for Mexico to transfer 73 mt of its accrued underharvest to Canada in 2009. For 2010, recommendation 08-04 specifies that Mexico will transfer accrued underage to Canada such that Canada's initial allocation is 480 mt. If Mexico has insufficient underharvest to keep Canada at 480 mt in 2010, the recommendation includes a provision for the United States to provide some underharvest to Canada, if available. Western Atlantic bluefin tuna quota allocations will be renegotiated in 2010.

Eastern Atlantic and Mediterranean Bluefin Tuna: The Commission adopted Recommendation 09-06, amending the recovery plan for Eastern Atlantic and Mediterranean bluefin tuna. Recommendation 09-06 reduced the TAC for Mediterranean bluefin tuna from a previously agreed to level of 22,000 mt for 2010 to 13,500 mt. The Commission also agreed to develop a recovery plan in 2010 that has not less than a 60 percent probability of achieving the Commission's management objective by the close of 2022. Recommendation 09-06 includes an 11 month closure of the Mediterranean purse seine fishery, with a one month opening from mid-May through mid-June. In addition, Recommendation 09-06 includes a provision providing for a suspension of fishing for Mediterranean bluefin tuna in 2011, if the SCRS stock assessment to be conducted in 2010 detects a serious threat of fishery collapse. Further additional measures on capacity reduction and joint fishing operations were also included.

Bigeye Tuna: The Commission adopted Recommendation 09-01, which reduced the TAC from 90,000 mt to 85,000 mt, in conformance with scientific recommendations. The Commission failed to implement an improved time and area closure to protect juvenile bigeye and yellowfin tunas in the Gulf of Guinea. Despite concerns expressed by the United States, a restriction limiting carry forward of underharvest to 30 percent of allocations was eliminated.

North and South Atlantic Albacore: The Commission adopted Recommendation 09-05, which established a rebuilding plan for Northern albacore tuna that included TACs for 2010 and 2011. The TAC was reduced from 30,200 mt to 28,000 mt in conformance with scientific advice and, notably, accounted for catches of minor harvesters. The United States' quota was reduced by 11 mt, or 2 percent, from 538 mt to 527 mt. A restriction limiting carry forward to no more than 25 percent of base allocations was retained.

Sharks: The Commission adopted Recommendation 09-08, prohibiting retention of bigeye thresher sharks in all fisheries, with one small exemption of 110 individual fish for Mexico to account for a small-scale coastal catch. Recommendation 09-08 also includes a requirement to submit Task I and Task II data for all other species of the *Alopias* family, and that the number of discards and releases of bigeye threshers must be recorded with an indication of status (dead or alive) and reported to ICCAT.

Trade related measures: No trade restrictive measures were adopted by the Commission at the 2009 meeting. However, modifications were made to the Bluefin Tuna Catch Document (BCD) program, primarily with regard to the implementing

guidelines for completing the BCD form. The Commission chose to issue the United States a letter of concern with regard to a minor implementation of the BCD program. In total, all but three ICCAT CPCs were issued either a letter of concern or letter of identification for various issues regarding compliance with ICCAT recommendations.

Record of Vessels: Recommendation 09-08, as adopted by the Commission, amended the record of large scale fishing vessels authorized to fish in the convention area by reducing the length of vessels which must be included in the record from 24 meters to 20 meters. A preliminary review of domestic records indicates that this change will roughly double the number of vessels submitted for inclusion in the record by the United States.

1.3 Existing State Regulations

Table 1.3 outlines the existing state regulations as of January 1, 2010, with regard to HMS species. While the HMS Management Division updates this table periodically throughout the year, persons interested in the current regulations for any state should contact that state directly.

The Atlantic States Marine Fisheries Commission (ASMFC) is composed of 15 member states along the Atlantic coast from Maine to Florida. The Gulf States Marine Fisheries Commission (GSFMC) is composed of five member states along the Gulf of Mexico from Florida to Texas. Through the Commissions, member states coordinate fisheries management measures to create consistent regulations and ensure stocks are protected across state boundaries. In August 2008, the ASMFC approved the Interstate Fishery Management Plan (FMP) for Atlantic Coastal Sharks. This FMP was modified via Coastal Sharks Addendum I in September 2009. The management measures for coastal shark species in the FMP and Addendum I are to be implemented by ASMFC member states by January 1, 2010. States can implement more restrictive management measures or can apply for *de minimus* status, as appropriate. The measures in the Interstate FMP for Coastal Sharks, as summarized from the ASMFC Coastal Shark FMP Executive Summary, include:

Recreational Measures:

1. Recreational anglers are prohibited from possessing silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead in the state waters of Virginia, Maryland, Delaware and New Jersey from May 15 through July 15—regardless of where the shark was caught
2. Recreational anglers are prohibited from possessing any shark species that is illegal to catch or land by recreational anglers in federal waters.
3. All sharks caught by recreational fishermen must have head, tail, and fins attached to the carcass.
4. Sharks caught in the recreational fishery must have a fork length of at least 4.5 feet with the exception of Atlantic sharpnose, blacknose, finetooth, bonnethead, and smooth dogfish.
5. Recreational anglers may only use handlines and rod and reel.

6. Each recreational shore-angler is allowed a maximum harvest of one shark from the federal recreationally permitted species, plus one additional bonnethead, and one additional Atlantic sharpnose, per calendar day. Recreational fishing vessels are allowed a maximum harvest of one shark from the federal recreationally permitted species plus one additional one bonnethead, and one Atlantic sharpnose, per trip, regardless of the number of people on board the vessel. Smooth dogfish do not count toward the retention limit.

Commercial Measures:

7. All commercial fishermen are prohibited from possessing silky, tiger, blacktip, spinner, bull, lemon, nurse, scalloped hammerhead, great hammerhead, and smooth hammerhead in the state waters of Virginia, Maryland, Delaware and New Jersey from May 15 through July 15.
8. States will close the fishery for any shark species when NMFS closes the fishery in federal waters.
9. States will implement possession limits as annually specified.
10. Commercial shark fishermen must hold a state commercial license or permit in order to commercially catch and sell sharks in state waters.
11. States may grant exemptions from the seasonal closure, quota, possession limit, size limit, gear restrictions, and prohibited species restrictions contained in this plan through a state display or research permit system.
12. A federal Commercial Shark Dealer Permit is required to buy and sell any shark caught in state waters.
13. Prohibits the use of any gear type other than rod and reel, handlines, small mesh gillnets, large mesh gillnets, trawl nets, shortlines, pound nets/fish traps, or weirs.
14. States must implement shortline and gillnet bycatch reduction measures
15. All sharks caught by commercial fishermen must have tails and fins attached naturally to the carcass through landing, except for smooth dogfish. Commercial fishermen may completely remove the fins of smooth dogfish from March through June of each year. If fins are removed, the total wet weight of the shark fins may not exceed 5 percent of the total dressed weight of smooth dogfish carcasses. From July through February each year, commercial fishermen may completely remove the head, tail, pectoral fins, pelvic (ventral) fins, anal fin, and second dorsal fin, but must keep the dorsal fin attached naturally to the carcass through landing.
16. A state can request permission to implement an alternative to any mandatory compliance measure only if that state can show to the Board's satisfaction that its alternative proposal will have the same conservation value as the measure contained in this management plan or any addenda prepared under Adaptive Management.

Table 1.3 State Rules and Regulations Pertaining to Atlantic HMS.

Please note that state regulations are subject to change. Please contact the appropriate state personnel to ensure that the regulations listed below remain current. X = Regulations in Effect; n = Regulation Repealed; FL = Fork Length; CL = Carcass Length; TL = Total Length; LJFL = Lower Jaw Fork Length; CFL = Curved Fork Length; DW = Dressed Weight; and SCS = Small Coastal Sharks; LCS = Large Coastal Sharks.

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
ME	X			X	Tuna -ME Rev. Stat. Ann. tit. 12, " 6001, 6502, and 6551 Sharks - Code ME R. 13-188 ' 50.01(1) and 50.10	Tuna - Retention limit - 1 tuna/year - non resident special tuna permit holder; Unlawful to fish for tuna with gear other than harpoon or hook and line or possess tuna taken in unlawful manner; No minimum size limits Sharks - Regulations apply to spiny dogfish only	ME Department of Marine Resources George Lapointe Phone: 207/624-6553 Fax: 207/624-6024
NH	X		X	X	Tuna - FIS 603.10 (REPEALED) Billfish - FIS 603.13 Sharks - FIS 603.19 and 603.20	Billfish - Possession limit - 1 billfish/trip; Minimum size (LJFL) - Blue marlin - 99"; White marlin - 66"; Sailfish - 57"; May be taken by hook and line only; Unlawful to sell billfish Sharks - Regulations apply to coastal sharks, spiny and smooth dogfish; Prohibited sharks listed; Federal Dealer permit required for all shark dealers; Porbeagle sharks can only be landed in the recreational fishery	NH Fish and Game Douglas Grout Phone: 603/868-1095 Fax: 603/868-3305

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
MA	X		X	X	Tuna - 322 CMR' 6.04 Billfish – (REPEALED) Sharks – 322 CMR 6.35 & 6.37 CMRs available online at http://www.mass.gov/dfwel/dmf/commercialfishing/cm_index.htm	Tuna - Reference to ATCA and federal regulations Billfish – Repealed as of December 2005 Sharks - Regulations apply to coastal sharks, spiny and smooth dogfish	MA Division of Marine Fisheries Melanie Griffin Phone: 617/626-1528 Fax: 617/626-1509
RI				X	Sharks - RIMFC Regulations '7.15	Sharks - Regulations apply to spiny dogfish only	RI Department of Environment Management Brian Murphy Phone: 401/783-2304
CT				X	Dogfish – Regulations of Connecticut State Agencies § 26-159a-19	Sharks - Regulations apply to spiny dogfish only	CT Department of Environmental Protection David Simpson Phone: 860/434-6043 Fax: 860/434-6150

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
NY			X	X	<p>Billfish -NY Environmental Conservation ' 13-0339 (5)</p> <p>Sharks - NY Environmental Conservation ' 13-0338; State of New York Codes, Rules and Regulations (Section 40.1)</p>	<p>Billfish - Blue marlin, white marlin, sailfish, and longbill spearfish shall not be bought, sold or offered for sale; Striped marlin, black marlin, shortbill spearfish shall not be bought, sold or offered for sale</p> <p>Sharks - Shark finning prohibited; Reference to the federal regulations 50 CFR part 635; Prohibited sharks listed; In the process of adopting into regulation all measures of the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (August 2008); It will be effective early 2010</p>	<p>NY Department of Environmental Conservation Phone: 631/444-0430 Fax: 631/444-0449</p>
NJ				X	<p>Sharks-NJ Administrative Code, Title 7. Department of Environmental Protection, NJAC 7:25-18.1 and 7:25-18.12(d)</p>	<p>Sharks - Commercial/Recreational: min size 48” TL or 23” from the origin of the first dorsal fin to pre-caudal pit; Possession limit - 2 fish/vessel or 2 fish per person if fishing from shore or a land based structure; Must hold federal permit to possess or sell more than 2 sharks; No sale during federal closures; Finning prohibited; Prohibited Species: basking, bigeye sand tiger, sand tiger, whale and white sharks</p>	<p>NJ Fish and Wildlife Hugh Carberry Phone: 609/748-2020 Fax: 609/748-2032</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
DE			X	X	Billfish - DE Code Ann. tit. 7, ' 1310 Sharks - DE Code Regulations 3541	Billfish/Sharks - Reference to federal regulations for sharks; Prohibition on sale of Atlantic sailfish and blue/white/striped marlin Sharks – Reference to federal regulations for sharks; Recreational/Commercial: min size – 54” FL; Bag limit – 1 shark/vessel/trip; Shorebound anglers – 1 shark/person/day; 2 Atlantic sharpnose/vessel/trip with no min size; Prohibited Species: same as federal species; Prohibition against fins that aren’t naturally attached to the body	DE Division of Fish and Wildlife Craig Shirey Phone: 302/739-9914

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
MD	X	X	X	X	<p>Tuna - Code of Maryland Regulations 08.02.13.02 and 08.02.05.23</p> <p>Swordfish - Code of Maryland Regulations 08.02.12.03 and 08.02.05.27</p> <p>Billfish - Code of Maryland Regulations 08.02.12.03 and 08.02.05.26</p> <p>Sharks - Code of Maryland Regulations 08.02.12.03 and 08.02.22.01-.04</p>	<p>Tuna - Reference to listing bluefin tuna as in need of conservation; Federal regulations used to control size and seasons and recreational catch required to be tagged</p> <p>Swordfish - Reference to listing swordfish as in need of conservation; Federal regulations used to control size and seasons and recreational catch required to be tagged</p> <p>Billfish (blue and white marlin and sailfish) - Reference to listing billfish as in need of conservation; Federal regulations control size and seasons and recreational catch required to be tagged</p> <p>Sharks – Reference to listing sharks of the order Squaliformes as in need of conservation; Adopted into regulation all measures of the ASMFC Interstate Fishery Management Plan for Atlantic Coastal Sharks (August 2008); It became effective March 23, 2009</p>	<p>MD Department of Natural Resources Harley Speir Phone: 410/260-8264</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
VA			X	X	Billfish - 4 VA Administrative Code 20-350 Sharks - 4 VA Administrative Code 20-490	Billfish - Prohibition on sale of billfish Sharks – Recreational: bag limit – 1 LCS, SCS, or pelagic shark/vessel/day with a min size of less than 54” FL or 30” CL; 1 Atlantic sharpnose and bonnethead/person/day with no min size; No limits on rec harvest of smooth and spiny dogfish; Commercial: possession limit - 4000 lb dw/day, min size - 58" FL or 31" CL west of the COLREGS line and no min size limit east of the COLREGS line; Prohibitions: fillet at sea, finning, longlining, same prohibited shark species as federal regulations; and spiny dogfish commercial regulations	VA Marine Resources Commission Jack Travelstead Phone: 757/247-2247 Fax: 757/247-2020

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
NC			X	X	Billfish -NC Administrative Code tit. 15A, r.3M.0507 Sharks -NC Administrative Code tit. 15A, r.3M.0505; Proclamation FF-38-2006	Billfish - Recreational possession limit - 1 blue or white marlin/vessel/trip; 1 sailfish/person/day; Minimum size - blue marlin - 99", white marlin - 66", sailfish - 63"; Unlawful to sell or offer for sale blue or white marlin and sailfish Sharks - Director may impose restrictions for size, seasons, areas, quantity, <i>etc.</i> via proclamation; Commercial: open seasons and species groups same as federal; 33 non-sandbar LCS retention limit; no retention of sandbar sharks; fins naturally attached to shark carcass; LL shall only be used to harvest LCS during open season, shall not exceed 500 yds or have more than 50 hooks; Recreational: LCS (54" FL min size) - no more than 1 shark/vessel/day or 1 shark/person/day, SCS (no min size) – no more than 1 finetooth or blacknose shark/vessel/day and no more than 1 Atlantic sharpnose and 1 bonnethead/person/day, pelagics (no min size) -1 shark/vessel/day; Same prohibited shark species as federal regulations	NC Division of Marine Fisheries Randy Gregory Phone: 252/726-7021 Fax: 252/726-0254

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
SC	X	X	X	X	<p>Tuna -SC Code Ann. ' 50-5-2730</p> <p>Swords-SC Code Ann. 50-5-2730</p> <p>Billfish - SC Code Ann. ' 50-5-1700, 50-5-1705</p> <p>Sharks -SC Code Ann. ' 50-5-2730</p>	<p>Tuna - Reference to ATCA and MSA regulations for tuna</p> <p>Swords- Unlawful to sell recreational catch, hook and line and hand lines only; 1/person/day, 4/vessel per trip, 47” LJFL</p> <p>Billfish - Unlawful to sell billfish; Hook and line gear only; Unlawful to possess while transporting gillnets, seines, or other commercial gear</p> <p>Sharks – Recreational: 2 Atlantic sharpnose/per/day and 1 bonnethead/person/day, no min size; All others – 1 shark/boat/trip, min size – 54” FL; Gill nets are prohibited in State waters; Reference to federal commercial regulations and prohibited species</p>	<p>SC Department of Natural Resources Wallace Jenkins Phone: 843/953-9835 Fax: 843/953-9386</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
GA			X	X	<p>Gear Restrictions/Prohibitions - GA Code Ann. ' 27-4-7;</p> <p>Billfish - GA Code Ann. ' 27-4-130.2; GA Comp. R. & Regs. ' 391-2-4-.04</p> <p>Sharks - GA Code Ann. ' 27-4-130.1; OCGA ' 27-4-7(b); GA Comp. R. & Regs. ' 391-2-4-.04</p>	<p>Gear Restrictions/Prohibitions - Use of gillnets and longlines is prohibited in state waters</p> <p>Billfish - Possession prohibited in state waters, except for catch and release</p> <p>Sharks – Commercial/Recreational: 1 shark from the Small Shark Composite (bonnethead, sharpnose, and spiny dogfish, min size 30” FL; All other sharks - 1 shark/person or boat, whichever is less, min size 54” FL, Prohibited Species: sand tiger sharks, sandbar, silky, bigeye sandtiger, whale, basking, white, dusky, bignose, Galapagos, night, reef, narrowtooth, Caribbean sharpnose, smalltail, Atlantic angel, longfin mako, bigeye thresher, sharpnose sevengill, bluntnose sixgill, and bigeye sixgill; All species must be landed head and fins intact; Sharks may not be landed in Georgia if harvested using gill nets</p>	<p>GA Department of Natural Resources Carolyn Belcher Phone: 912/264-7218 Fax: 912/262-3143</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
FL		X	X	X	<p>Sharks -FL Administrative Code Ann. r.68B-44, F.A.C</p> <p>Swordfish/ Billfish - FL Administrative Cod Ann. r. 68B-33 F.A.C</p>	<p>Billfish – Longbill/Mediterranean/roundscale spearfish – harvest/possession/landing/purchase/sale/exchange prohibited</p> <p>Blue/white marlin and sailfish – Sale prohibited; Aggregate possession of 1 fish/person; Gear restriction (hook and line only); Minimum size limit (blue marlin – 99” LJFL; white marlin – 66” LJFL; sailfish – 63” LJFL); Recreational catch reporting requirement (all non-tournament landings must be reported NOAA within 24 hours); Must land in whole condition (gutting allowed)</p> <p>Swordfish - Minimum size - 47 in LJFL/29” cleithrum to keel/33 lbs. dw; Possession limit 1 fish/person/day or 3 fish/vessel/day (with 3 or more persons onboard); Commercial harvest and sale allowed only with Florida saltwater products license and a federal LAP for swordfish; Recreational catch reporting requirement (all non-tournament landings must be reported NOAA within 24 hours)</p> <p>Sharks – Commercial/recreational: min size – 54” except no min. size on blacknose, blacktip, bonnethead, smooth dogfish, finetooth, Atlantic sharpnose; Possession limit – 1 shark/person/day, max. 2 sharks/vessel on any vessel with 2 or more persons on board; Allowable gear – hook and line only; State waters close to commercial harvest when adjacent federal waters close; Federal permit required for commercial harvest, so federal regulations apply in state waters unless state regulations are more restrictive; Finning & filleting prohibited; Prohibited species same as federal regulations</p>	<p>FL Fish and Wildlife Conservation Commission Lisa Gregg Phone: 850/487-0554 Fax: 850/487-4847</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
AL	X	X	X	X	Sharks - AL Administrative Code r. 220-2-.46, r.220-3-.30, r.220-3-.37	Tuna/swordfish/billfish/sharks - Reference to federal regulations Sharks – Recreational & commercial: bag limit – 1 sharpnose/person/day and 1 bonnethead/person/day; no min size; all other sharks – 1/person/day; min size – 54” FL or 30” dressed; state waters close when federal season closes; no shark fishing on weekends, Memorial Day, Independence Day, or Labor Day; Prohibited species: Atlantic angel, bigeye thresher, dusky, longfin make, sand tiger, basking, whale, white, and nurse sharks	AL Department of Conservation and Natural Resources Major Jenkins jjenkins@dcnr.state.al.us Phone: 251 861 2882

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
LA	X	X	X	X	<p>Tuna -LA Administrative Code Title 76, Pt. VII, Ch. 3, § 361</p> <p>Swords/Billfish - LA Administrative Code Title 76, Pt. VII, Ch. 3, § 355</p> <p>Sharks - LA Administrative Code Title 76, Pt. VII, Ch. 3, § 357</p>	<p>Tuna - No directed recreational or commercial fishing for bluefin tuna allowed in the GOM – incidental only; Recreational bag and possession limit yellowfin tuna (3 fish/person); Rec/commercial minimum size – yellowfin, bigeye, and bluefin tuna (27 in CFL); 1 recreational trophy (>73”) bluefin tuna/vessel/year and landing must be reported</p> <p>Billfish/Swordfish - Minimum size: blue marlin (99 in LJFL), white marlin (66" LJFL), sailfish (63 in LJFL), swordfish (29 in carcass length or 33 lbs dw); Recreational creel limit - 5 swordfish/vessel/trip</p> <p>Sharks - Recreational: min size – 54” FL, except Atlantic sharpnose and bonnethead; bag limit - 1 sharpnose/person/day, all other sharks – 1 fish/person/day; Commercial: 33 per vessel per trip limit; no min size; Com & rec harvest prohibited: 4/1-6/30; Prohibited species: same as federal regulations</p>	<p>LA Department of Wildlife and Fisheries Harry Blanchet 225 765-2889 fax (225) 765-2489 hblanchet@wlf.louisiana.gov</p>

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
MS	X		X	X	Tuna/Billfish/Sharks - MS Code Title-22 part 7	<p>Tuna –No directed recreational or commercial fishing for bluefin tuna allowed in the GOM – incidental only; Min size: bigeye tuna 27” CFL; yellowfin tuna 27” CFL; No commercial bag limit; Bag limit of 3 yellowfin tuna/person in recreational; No recreational limit for Bigeye tuna; No commercial take of bluefin tuna; 1 recreational trophy (>73”) bluefin tuna/vessel/year and landing must be reported to MDMR</p> <p>Billfish - No take provisions for commercially harvested blue and white marlin and sailfish; Recreational minimum size: blue marlin 99” LJFL; white marlin 66” LJFL; sailfish 63” LJFL; No possession for longbill spear fish; No limit for recreational take</p> <p>Sharks – Recreational: min size - LCS/Pelagics 37” TL; SCS 25” TL; bag limit - LCS/Pelagics 1/person up to 3/vessel; SCS 4/person; Commercial and prohibited species - Reference to federal regulations</p>	MS Department of Marine Resources Kerwin Cuevas Phone: 228/374-5000

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
TX		X	X	X	Billfish/Swordfish/Sharks - TX Administrative Code Title 31, Part 2, Parks and Wildlife Code Title 5, Parks and Wildlife Proclamations 65.3 and 65.72	Blue marlin, white marlin, sailfish, sharks, longbill spearfish, and broadbill swordfish are gamefish and may only be taken with pole and line (including rod and reel); Blue marlin, white marlin, sailfish, and longbill spearfish may not be sold for any purpose Billfish - Bag limit none; min size blue marlin – 131” TL; white marlin – 86” TL; sailfish – 84” TL Sharks - Commercial/recreational: bag limit - 1 shark/person/day; Commercial/recreational possession limit is twice the daily bag limit (<i>i.e.</i> , 2 sharks/person/day); min size 24” TL for Atlantic sharpnose, blacktip, and bonnethead sharks and 64” TL for all other lawful sharks. Prohibited species: same as federal regulations	TX Parks & Wildlife Department Mark Lingo Phone: 956/350-4490 Fax: 956/350-3470

State	Species				Cite Reference	Regulatory Details	Contact Information
	Tuna	Swords	Billfish	Sharks			
Puerto Rico	X	X	X	X	<p>Regulation #6768</p> <p>Article 8 – General Fishing Limits</p> <p>Article 13 – Limitations</p> <p>Article 17 – Permits for Recreational Fishing</p> <p>(March 2004)</p>	<p>Illegal to sell, offer for sale, or traffic in any billfish or marlin, either whole or processed, captured in jurisdictional waters of Puerto Rico.</p> <p>Swordfish or billfish, tuna and shark are covered under the federal regulation known as Highly Migratory Species of the United States Department of Commerce (50 CFR, Part 635); Fishers who capture these species shall comply with said regulation; Billfish captured incidentally with long line must be released by cutting the line close to the fishhook, avoiding the removal of the fish from the water; In the case of tuna and swordfish, fishers shall obtain a permit according to the requirements of the federal government.</p>	<p>Puerto Rico Department of Natural and Environmental Resources Craig Lilyestrom Phone: 787-999-2200 x2689 Fax: 787-999-2271</p>
U.S. Virgin Islands	X	X	X	X	<p>US VI Commercial and Recreational Fisher's Information Booklet Revised June 2004</p>	<p>Federal regulations and federal permit requirements apply in territorial waters.</p>	<p>www.caribbeanfmc.com http://www.caribbeanfmc.com/usvi%20booklet/fisher%20booklet%20final.pdf</p>