

FISHERIES MANAGEMENT DIVISION EVALUATION, 10/25/2022

Public Hearing: Proposal to amend Chapter 4 VAC 20-490-10 et seq., "Pertaining to Sharks," to establish a prohibition on the retention of shortfin mako shark within Virginia state waters.

Issues: On July 5th, 2022, the National Oceanic and Atmospheric Administration (NOAA) Fisheries published a final rule that no shortfin mako sharks may be landed or retained in any U.S. Atlantic highly migratory species (HMS) fishery until further notice. The proposed amendment will maintain consistency with federal waters and alleviate any issues of recreational and commercial fishermen that do not hold a federal permit from stating they caught a shortfin mako shark within state waters. Law enforcement primarily examine shortfin mako shark at the point of landing but shortfin mako shark are caught almost exclusively in federal waters.

Background: In federal waters, shortfin mako sharks are managed jointly by the International Commission for the Conservation of Atlantic Tunas (ICCAT) and NOAA Fisheries. According to the 2017 stock assessment, shortfin mako sharks are overfished and subject to overfishing. In a response starting in 2019 for the recreational fisheries, Amendment 11 implemented an increase in the minimum size limit for the retention of shortfin mako sharks from 54 inches fork length (FL) (137 cm FL) to 71 inches FL (180 cm FL) for male shortfin mako sharks and 83 inches FL (210 cm FL) for female shortfin mako sharks. For the commercial fishery, Amendment 11 implemented a retention limit for shortfin mako sharks by persons with a Directed or Incidental shark limited access permit when caught with longline or gillnet gear and only if the shark is dead at haulback. Retention of dead shortfin mako sharks with pelagic longline gear is allowed only if there is a functional electronic monitoring system on board the vessel. Virginia anglers fish for shortfin mako almost exclusively within federal waters so retention limits in state waters should mirror the limits set by NOAA Fisheries for federal waters.

On July 5th, 2022, final rule 87 FR 39373 established a shortfin mako shark retention limit of zero in the commercial

and recreational Atlantic HMS fisheries, consistent with the management measure adopted in 2021 by the International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendation. If ICCAT provides for U.S. harvest in the future, NOAA Fisheries could increase the shortfin mako shark retention limit, based on regulatory criteria and the amount of retention allowed by ICCAT. Until that point, the retention limit will remain at zero. The ASMFC Coastal Sharks Management Board has recommended that state mirror the new regulations to elevate any law enforcement issues of anglers claiming they caught a shortfin mako shark within state waters.

Staff Recommendation: Staff recommends the Commission amend Chapter 4 VAC 20-490-10 et seq., "Pertaining to Sharks," to prohibit the retention of shortfin mako shark within Virginia state waters.