



# Atlantic States Marine Fisheries Commission

1050 N. Highland Street • Suite 200A-N • Arlington, VA 22201  
703.842.0740 • 703.842.0741 (fax) • www.asmfmc.org

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## MEMORANDUM

July 11, 2017

**To: Coastal Sharks Management Board**  
**From: Law Enforcement Committee**  
**RE: Review of Enforcement Issues in Federal Amendment 5b**

The Law Enforcement Committee (LEC) of the Atlantic States Marine Fisheries Commission (ASMFC) met via conference call on June 29, 2017 to review and provide comments on proposed management measures in Federal Amendment 5b to the Consolidated Atlantic Highly Migratory Species (HMS) Fishery Management Plan. The following members were in attendance:

*LEC: Chairman, Lt. Mike Eastman (NH); Maj. Rene Cloutier (ME); Asst. Director Larry Furlong (PA); Lt. Tom Gadomski (NY); Sgt. Greg Garner (SC); Maj. Rob Kersey (MD); Capt. Bob Lynn (GA); Capt. Doug Messeck (DE); Katie Moore (USCG); Maj. Pat Moran (MA); Director Kyle Overturf (CT); Capt. Jason Snellbaker (NJ)*

*STAFF: Ashton Harp; Mark Robson; Megan Ware*

### **Online Training Course**

The LEC reviewed federal requirements for recreational anglers to complete an online training video and questions. Members agreed that such an educational requirement has merit, but is typically very difficult to enforce. Several LEC members commented that using the educational tool as an outreach effort is suitable without taking the extra step of providing an enforcement requirement, and it is desirable to continue educating officers regarding shark identification so that they can also provide outreach to anglers on the water or at the docks. The federal requirement to have a printed certificate of completion on board is adequate for federal waters enforcement.

When discussing the development of a similar requirement for each states' waters, the LEC consensus is that it would be most enforceable to have federal permit requirements for online training be applicable if fishing in state waters, as is done for tuna. It was agreed that this would be a straightforward way to encourage the training requirement for all anglers fishing for sharks, from the shoreline out. The LEC understands that HMS issues permits to vessels and not individuals and this system will not capture anglers fishing from shore or beach locations (a significant fishery in several states). However, the LEC believes modifying a single federal permit system would be easier to implement and enforce than attempting to have each individual state develop a separate permit requirement for anglers fishing in state waters.

### **Non-offset, Non-stainless, Steel Circle Hook Requirement below Chatham, MA**

The LEC view of this regulation is that it is another example related to “targeting” a species when fishing, and the difficulty of proving that a fisherman is targeting a species with prohibited gear such as a standard J-hook. It is possible to enforce if an officer watches a fisherman repeatedly fishing for sharks in a targeted way and then verifies use of prohibited gear. Such a provision for striped bass is in place in Maryland and Delaware; however, the experience there is that such cases are difficult to make and prosecute. And once an angler leaves the fishing area, it is not enforceable at all. Further complicating any enforcement effort is the reasonable expectation (and an argument likely to be made) that recreational anglers may incidentally catch sharks while fishing for a variety of species using standard J-hooks.

### **Commercial Measures**

**Circle Hook Requirement.**—The LEC agreed that a circle hook requirement for commercial short line gear in state waters would be more enforceable than a recreational angler requirement for use of circle hooks. Commercial short line gear is easier to monitor and check by enforcement officers, and proving targeting of sharks would be a lesser hurdle in prosecutions.

**Maximizing Gear Removal.**—The LEC had strong reservations about a requirement to use release gear or techniques for sharks because of potential safety concerns to fishermen. There needs to be leeway given to fishermen when their personal safety is a factor, and the LEC feels use of certain release gear should not be prescriptive. It may be possible to require such equipment on board, and this can be enforced.

The LEC appreciates the opportunity to review and provide advice concerning implementing these regulations for sharks in state waters.