



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Governor

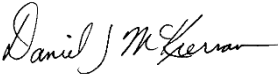
KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission
FROM: Daniel J. McKiernan, Director 
DATE: May 16, 2024
SUBJECT: Oceanic Whitetip Shark Prohibition for Future Rulemaking

Overview

I plan to take to public hearing a proposal to move oceanic whitetip shark (*Carcharhinus longimanus*) to the Prohibited shark species group, thereby banning all harvest of oceanic whitetip caught in state waters, for compliance with the Interstate Fishery Management Plan.

Background

On May 2, the Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission approved a zero retention limit in state waters for oceanic whitetip shark for both commercial and recreational fisheries.¹ This action was taken to complement NOAA Fisheries' final rule (effective February 2) prohibiting the retention and possession of this species by federal permit holders and from federal waters by moving it to the Prohibited species group.²

By using the specification process to set the state possession limit at zero, the Management Board was able to align the rules for state-only permit holders immediately and with minimal administrative burden.³ However, the Board also pledged that it would revise the Interstate FMP to move oceanic whitetip to the Prohibited species group during the next amendment or addendum to more fully complement the federal rule.

NOAA Fisheries' rule responds to the 2018 determination that oceanic whitetip sharks warrant listing as a threatened species under the Endangered Species Act throughout its range, and a 2020 Biological Opinion that encouraged the inclusion of the species on the Highly Migratory Species (HMS) list of prohibited sharks for recreational and commercial HMS fisheries.

To comply with the interstate plan (both the current and anticipated actions), DMF will propose to move oceanic whitetip to the Prohibited shark group at 322 CMR 6.37. Per current rules, an exemption would be granted for the possession and landing of oceanic whitetip caught legally in federal waters (should it be allowed in the future). Oceanic whitetip are primarily an offshore species with few if any caught in state waters.

¹ ASMFC News Release: <https://asmfc.org/uploads/file/6633baebpr15OceanicWhitetipAction.pdf>

² NOAA Fisheries' Final Rule: <https://www.govinfo.gov/content/pkg/FR-2024-01-03/pdf/2023-28900.pdf>

³ While the Board's action was effective immediately, it comes with the understanding that states have different regulatory timelines. States are expected to move ahead as quickly as reasonably possible.