



The Commonwealth of Massachusetts

Division of Marine Fisheries

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Director

MEMORANDUM

TO: Marine Fisheries Advisory Commission (MFAC)

FROM: Daniel J. McKiernan, Director

DATE: June 10, 2022

SUBJECT: **Shortfin Mako Prohibition and Public Hearing**

Overview

I plan to take to public hearing a proposal to ban all retention of Atlantic shortfin mako caught in state waters for compliance with the Interstate Fishery Management Plan. An exemption would be granted for the possession and landing of shortfin mako caught legally in federal waters.

Background

In May, the Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission approved a zero retention limit in state waters for Atlantic shortfin mako sharks for both recreational and commercial fisheries. This action was taken to compliment NOAA Fisheries' proposed rule¹ for the federal retention limit of shortfin mako, and the states are required to implement this policy for state waters when NOAA Fisheries posts the final rule, which is expected to occur this month. It is understood that the states' rule making processes are not instantaneous and flexibility will be afforded in determining compliance with the implementation date, yet we are expected to act expeditiously.

NOAA Fisheries' proposed rule responds to a recent determination by the International Commission on the Conservation of Atlantic Tunas (ICCAT) that all member countries need to reduce current shortfin mako fishing mortality to accelerate the rate of stock recovery and to increase the probability of rebuilding success. The 2019 Atlantic shortfin mako stock assessment update that indicates the resource is overfished and experiencing overfishing, with a rebuild date of 2070. ICCAT adopted the harvest prohibition but also established a process whereby retention could be authorized in the future subject to the overfishing limit and its technical body's annual calculations of the eligible parties' individual retention allowances. The process and possible retention for 2023 will be discussed at ICCAT meetings this November. NOAA Fisheries has thus proposed a flexible retention limit with a default of zero that would only increase upon an allowable retention being established by ICCAT.

¹ <https://www.federalregister.gov/documents/2022/04/11/2022-07659/atlantic-highly-migratory-species-shortfin-mako-shark-retention-limit>

Shortfin makos are predominantly caught in association with fisheries that primarily target tunas and tuna-like species. Few if any shortfin makos are caught or harvested in MA state waters. It's also highly unlikely that an individual interested in targeting sharks would only want to do so in state waters and thus not have the required federal highly migratory species permit to access these sharks in federal waters. Therefore, I am proposing we prohibit the retention of shortfin mako sharks in state waters by moving the species from the "permitted shark species" list in the regulations to the "prohibited shark species" list, while expanding the exemption for sharks taken lawfully in federal waters to be possessed and landed in MA to both commercial and recreational harvesters (currently only commercial harvests have this allowance under the regulation). This will allow us to avoid the unnecessary administrative burden of annual retention limit changes for a federal waters fishery.