

## Shore-based Shark Fishing



Final Public Hearing  
February 20, 2019



Florida Fish and Wildlife Conservation Commission

This presentation provides a summary of a series of proposed final rules intended to address management of the shore-based shark fishery and shark-related cleanup of existing Florida Fish and Wildlife Conservation Commission's (FWC) shark regulations. The proposed rules would amend the FWC's Sharks and Rays [68B-44, Florida Administrative Code (FAC)] and General (68B-2, FAC) marine fisheries chapters.

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## Shore-based Shark Fishing

Apr. 2018: Review and discussion

July/Aug. 2018: 10 public workshops held statewide

Dec. 2018: Commission approved proposed draft rules

Today: Final public hearing



Although shore-based shark fishing (SBSF) has been occurring in Florida for decades, there has been increased attention and interest in the fishery in recent years with some stakeholders passionate about continuing to participate in the fishery and others adamant that management changes are needed. At the April 2018 Commission meeting, staff presented a review and discussion on shark-related issues in Florida with a particular focus on the shore-based shark fishery, including actions staff had taken related to the fishery up until that time. As a result of that presentation and public comment heard at the meeting, Commissioners directed staff to further engage the public on the topic and return to a future Commission meeting with options to enhance management of the fishery.

Staff gathered feedback on SBSF through numerous venues in summer 2018, including 10 in-person public workshops held around the state in July and August. A virtual workshop was available online. Staff also received significant feedback on this fishery through phone calls, email, and [MyFWC.com/SaltwaterComments](http://MyFWC.com/SaltwaterComments).

At the December Commission meeting, staff presented a summary of public input gathered and the Commission approved a series of proposed draft rules. Today is the final public hearing for those rule amendments and includes an updated proposal related to which anglers are required to obtain the proposed no-cost SBSF permit.

## Background

### Public concerns about shore-based shark fishing (SBSF)

- Conflicts between anglers and other user groups
- Shark mortality

### Opportunities for improved management

- Understanding the fishery
- Survival of released sharks
- Public safety concerns

### Additional anticipated outcome

- Reduced conflicts between shark anglers and non-shark-fishing public



Photo courtesy of Doug Perrine

One of the primary public concerns related to SBSF is conflicts between anglers and other user groups who feel shark fishing compromises the safety of people spending time in the water. Shark anglers have also expressed concern that further restrictions could lead to the elimination or near-elimination of this traditional activity.

Another public concern is shark mortality associated with SBSF. Both the shark-fishing and non-shark-fishing public have voiced concerns that improper handling techniques used by some participants in this fishery may lead to increased shark mortality, particularly for prohibited species. Lengthy fight times associated with attempt to get a large shark to shore can increase stress on the shark and increase the likelihood of the shark dying after it is released. These long fight times can disproportionately affect some species, including the great hammerhead. Other potential causes of post-release mortality include injury to a shark's internal organs, which may be caused by bringing large sharks out of the water and damage to gills as a result of being exposed to air.

When aiming to improve management of this fishery, staff recommends focusing on regulatory actions that will achieve one or more of the following goals: increased understanding of the shore-based shark fishery, maximizing the survival of released sharks both from the SBSF and vessel-based fishery, and alleviating public safety concerns.

An additional expected outcome of staff's proposed changes is a reduction in conflicts between shark anglers and the non-shark-fishing public.

## Understanding the Fishery

### Goal: Identify fishery participants

- Allow for targeted outreach
- Facilitates future research and management

### Proposed Rules

- No-cost, annual SBSF permit
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  - Required for anglers age 16 and older
  - Online education prerequisite
- Require permit when targeting or harvesting sharks from shore
  - Includes: fishing from shore with a fighting belt/harness or metal leader exceeding 4' in length, or deploying bait by means other than casting



*Broadly supported*

There is currently very little information available on the level of participation in the shore-based shark fishery. Being able to identify participants in the fishery would provide valuable information on the size of the fishery and allow for targeted outreach on best handling practices, regulation changes, and other important information. Being able to identify fishery participants would also lay the groundwork for future research on the fishery and for management if additional changes are needed in the future.

Staff recommends creating a no-cost, annual SBSF permit and requiring the permit for all shore-based shark anglers age 16 and older. This is an update from the proposal presented at the draft rule hearing, which would have exempted all anglers who are not required to hold a recreational saltwater license from the SBSF permit requirement. Requiring all adults who participate in the fishery to hold the permit would improve our ability to achieve the goals of improving understanding of the fishery. In order to receive this permit, anglers would need complete an education prerequisite and both the educational component and the permit application would be online. This permit has been broadly supported by all user groups.

Staff recommend requiring this permit for any person targeting or harvesting sharks from shore, including from any structure attached to shore such as jetties, bridges, and piers. Further, any person who is fishing from shore and using one of the following gear types or fishing methods typical of SBSF will be considered a shore-based shark angler and required to hold the SBSF permit regardless of species targeted: using a fighting belt or harness, using a metal leader longer than four feet, or deploying bait by means other than casting (such as kayaking out bait). Anglers using these gear or methods are more likely to encounter and successfully land large sharks regardless of what they are targeting. Including these anglers in the permit will require them to receive the same education as shore-based shark anglers and increase the likelihood of a safe, quick release of unintentionally caught sharks.

# Shark Survival

Goal: Increase survival of released sharks

## Proposed rules

- Require immediate release of prohibited sharks caught from shore
- Requirements of all shark fishers (shore and vessel)
  - Prohibited sharks must remain in the water
    - Allow for safety of shore-based anglers
  - Non-offset, non-stainless-steel circle hooks
  - Possession/use of appropriate cutters

## Expand educational efforts



*Support for requiring better handling and proposed gear*

Photo courtesy of NOAA

There is broad agreement among all the interested stakeholders that survival of released sharks is important. Non-shark-fishing stakeholders are especially interested in improving survival of prohibited species.

In order to maximize survival of released sharks throughout state waters, staff recommends making a variety of modifications to the management of both the shore- and vessel-based shark fisheries. In order to address concerns specific to prohibited species, staff recommends prohibiting any delay in release of prohibited sharks when fishing from shore beyond what is needed to remove the hook or cut the hook/line. Staff also recommends requiring that both shore- and vessel-based anglers keep prohibited sharks in the water at all times. Anglers would be required to keep the entire length of the shark in the water and to keep the shark's head in water deep enough to submerge the gills. However, anglers would not be prohibited from lifting the head out of the water briefly in order to remove the hook. This requirement will not be interpreted to require that shore-based anglers sacrifice their own safety in order to comply with the regulation.

Staff also recommends requiring gear that will aid in safe and quick release of sharks. Specifically, staff recommend requiring the use of non-offset, non-stainless steel circle hooks when using live or dead natural bait and the possession/use of appropriate cutters. Appropriate cutters would include anything capable of cutting the hook and/or line that the angler is using and may include, but is not limited to, a knife, wire cutters, or bolt cutters. Staff recommends that these gear requirements apply to anglers targeting sharks from either shore or a vessel.

Staff further recommends expanding FWC's educational efforts on best fishing practices specific to SBSF as described later in this presentation.

Requiring better handling practices and the proposed gear requirements have received broad support from all interested stakeholder groups.

## Safety Concerns

**Goal:** Reduce public concerns about chumming near shore

**Proposed rule:**

- Prohibit chumming when fishing from beaches
- Define “chum” and “beach”

**Expand outreach efforts**

- Work to achieve voluntary separation of fishers and non-fishers

*Prohibiting chumming from shore broadly supported*



Photo courtesy of Stephen Kajjura

The final goal of potential regulatory action related to SBSF is to reduce public safety concerns, specifically related to chumming. One of the most commonly heard concerns from the non-shark-fishing public is that SBSF draws sharks to nearshore waters where people are spending time, potentially endangering those in the water. However, sharks regularly inhabit and feed in nearshore waters and there is no correlation between fishing and the likelihood of a shark bite occurring in nearby waters.

In order to address safety concerns related to the shore-based shark fishery, staff recommend prohibiting chumming when fishing from beaches or when wade fishing in areas immediately adjacent to a beach. However, neither “chum” nor “beach” is currently defined in FWC’s marine fisheries rules. The proposed definition of “chum” includes animal products, real or synthetic, placed into the water for the purpose of attracting, but not actively harvesting, a marine organism. Bait attached to a hook, placed in traps, or used with a trotline to legally harvest blue crabs would be explicitly excluded from the definition. The proposed definition of beach for the purposes of shark fishing only includes any saltwater shoreline covered in enough sand above the mean high tide line to support sunbathing. The chumming prohibition would not apply to vessel- or pier-based anglers; however, many fishing piers already prohibit chumming. Prohibiting chumming from shore has been broadly supported by all stakeholder groups.

While some stakeholders strongly prefer mandating spatial separation of SBSF and other activities, this concept has been highly contentious and it would be a significant challenge to establish characteristics for non-SBSF beaches that would apply appropriately and fairly statewide. Allowing local governments to determine how to separate the activities, as some have requested, would reduce FWC’s ability to provide for consistent statewide management of this fishery and would likely eliminate considerable fishery access, concentrating the activity into small areas, and causing additional user conflicts. Staff suggests expanding outreach efforts on best fishing practices and working with the fishery to voluntarily separate fishing and non-fishing activities when possible.

# Education, Outreach, and Rule Cleanup

## Education and Outreach

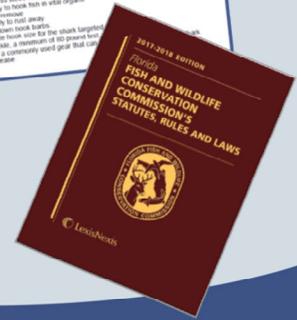
- Permit-required education: available to everyone
- Shark-Smart Fishing guidelines and other materials
  - Address user conflicts and best practices
  - Update with any regulatory changes
- Develop protocol for reporting dead prohibited sharks

## Rule Cleanup

- Standardize rule organization and language
- Clarify definition of sharks

## Support recent legislative finning penalty changes

- Update requirement to land sharks in whole condition



Education and outreach will continue to be important components of dealing with issues related to SBSF. Although the education associated with the proposed SBSF permit would only be required for permit holders, the educational materials will be accessible for anyone interested in proper and safe handling of sharks. One thing that is already available online is the Shark-Smart Fishing guidelines that address best practices for shark fishing, including information about maximizing survival of released sharks and minimizing user conflicts. Staff will update these guidelines with any regulatory changes and, once finalized, will print the guidelines in brochure format and distribute it to shark and non-shark anglers that fish from both vessels or shore and to SBSF tournaments.

Staff has also received inquiries from anglers, local governments, and other stakeholders about what can be done with prohibited sharks that wash up on the beach (related to SBSF or not). Since harvest/possession of these species is not allowed, legal methods of removing the shark from the beach have been a source of confusion. Staff would like to address this topic by creating a policy for dealing with these situations to ensure a consistent agency message and to facilitate maximum data collection from these animals.

Marine Fisheries Rule Cleanup is a long-term, multi-phase project being conducted by staff from Division of Marine Fisheries Management, Division of Law Enforcement, Legal Office, and regional leadership. This project aims to make marine fisheries regulations more consistent and to standardize the language used in fisheries regulations in an effort to reduce complexity and confusion. As part of this long-term project, staff proposes standardizing the organization and language in the Sharks and Rays chapter (68B-44) and clarifying the definition of sharks.

Staff also proposes supporting Legislative penalty changes for anyone convicted of "finning" (removing shark fins at sea and discarding the rest of the shark), an activity that has long been a violation of FWC rules. Staff will update the requirement to land shark in whole condition to specifically prohibit landing shark fins that are separated from the shark in order to facilitate applying the recent enhanced Legislative penalty changes for finning violations.

## Staff Recommendation

### Approve the proposed final rules to be effective July 1, 2019

- Require a no-cost, annual SBSF permit
-  ▪ Mandatory for all SBSF anglers ages 16+
- Shore anglers: prohibit chumming and delaying release of prohibited sharks
- Require shore- and vessel-based shark fishers
  - Keep prohibited sharks in the water
  - Use circle hooks
  - Possess/use appropriate cutters
- Clean up and update current rule language



Advertise change to the proposed rules via Notice of Change

Photo courtesy of Albert Kok

Staff recommends approving the proposed final rule amendments to improve understanding of the shore-based shark fishery, maximize survival of released sharks, alleviate human safety concerns, and clean up and clarify current shark regulations. Related to the shore-based shark fishery and improved survival of sharks encountered by any fishing activity, staff recommends approving proposed rules to create a no-cost, annual SBSF permit with an educational requirement that is mandatory for all shore-based shark anglers 16 years and older (*updated from draft rule hearing*); prohibit chumming from beaches; prohibit delaying the release of prohibited shark species for any reason other than removing the hook or cutting the hook or line; require that prohibited sharks remain in the water (apply to vessel-based anglers and shore-based anglers as much as practical while ensuring the safety of anglers); require the use non-offset, non-stainless steel circle hooks when fishing for or harvesting sharks with live or dead natural bait (apply to shore- and vessel-based anglers); and require the possession/use of appropriate line or hook cutters when fishing for sharks (apply to shore- and vessel-based anglers).

Staff also recommends cleaning up and updating current rule language related to sharks and updating the rule language that requires sharks to be landed in whole condition to support recent Legislative penalty changes for finning violations.

If approved, staff recommends making these rules effective July 1, 2019. Staff would advertise the change to the originally proposed permit exemptions via a Notice of Change.

Staff has evaluated the proposed final rules under the standards of 68-1.004, FAC, and found them to be in compliance.