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6.37 Coastal Shark Conservation and Management

- (1) Purpose. 322 CMR 6.37 seeks to ensure coordinated state and federal management towards establishing healthy self-sustaining populations of Atlantic coastal sharks. Coastal shark conservation and management is interstate and state-federal in nature; effective assessment and management can be enhanced through cooperative efforts with all Atlantic state and federal scientists and fisheries managers. 322 CMR 6.37 creates two groups of sharks: Permitted Species that are allowed to be harvested, and Prohibited Species that are protected and may not be harvested unless specifically authorized by the Director or NOAA Fisheries.

For purposes of 322 CMR 6.37, coastal sharks do not include spiny dogfish, *Squalus acanthias*, which are managed separately under 322 CMR 6.35.

- (2) List of Species by Groups. The following sections contain the species categorized as prohibited or permitted. Each species is listed as its common name along with its associated taxonomic name.

- (a) Permitted Shark Species. The following species are allowed to be harvested under the provisions of 322 CMR 6.37(3):

Atlantic sharpnose (*Rhizoprionodon terraenovae*)
Blacknose (*Carcharhinus acronotus*)
Blacktip (*Carcharhinus limbatus*)
Blue (*Prionace glauca*)
Bonnethead (*Sphyrna tiburo*)
Bull (*Carcharhinus leucas*)
Common thresher (*Alopias vulpinus*)
Finetooth (*Carcharhinus isodon*)
Great hammerhead (*Sphyrna mokarran*)
Lemon (*Negaprion brevirostris*)
Nurse (*Ginglymostoma cirratum*)
Oceanic whitetip (*Carcharhinus longimanus*)
Porbeagle (*Lamna nasus*)
Scalloped hammerhead (*Sphyrna lewini*)
Shortfin mako (*Isurus oxyrinchus*)
Smooth dogfish (*Mustelus canis*)
Smooth hammerhead (*Sphyrna zygaena*)
Spinner (*Carcharhinus brevipinna*)
Tiger (*Galeocerdo cuvier*)

- (b) Prohibited Shark Species. the following species are prohibited from harvest under the provisions of 322CMR 6.37(3):

Atlantic angel (*Squatina dumeril*)
Basking (*Cetorhinus maximus*)
Bigeye sand tiger (*Odontaspis noronhai*)
Bigeye sixgill (*Hexanchus nakamurai*)
Bigeye thresher (*Alopias superciliosus*)
Bignose (*Carcharhinus altimus*)
Bluntnose sixgill (*Hexanchus griseus*)
Caribbean reef (*Carcharhinus perezii*)
Caribbean sharpnose (*Rhizoprionodon porosus*)
Dusky (*Carcharhinus obscurus*)
Galapagos (*Carcharhinus galapagensis*)

Longfin mako (*Isurus paucus*)
Narrowtooth (*Carcharhinus brachyurus*)
Night (*Carcharhinus signatus*)
Sandbar (*Carcharhinus plumbeus*)
Sand tiger (*Carcharias taurus*)
Sharpnose sevengill (*Heptranchias perlo*)
Silky (*Carcharhinus falciformis*)
Smalltail (*Carcharhinus porosus*)
Whale (*Rhincodon typus*)
White (*Carcharodon carcharias*)

(3) Regulation of Catches.

(a) Permitted Species Size Limits.

1. Recreational Fishing Size Limits. For recreational fishermen, the size limit for Permitted Species shall be 54" measured from the tip of the snout to the fork of the tail. Exception: there shall be no minimum size for the following species: Smooth Dogfish, Atlantic sharpnose, Bonnethead, Finetooth, and Blacknose.
2. Commercial Size Limits. For commercial fishermen, there shall be no minimum size for any of the Permitted Species.

(b) Permitted Species Possession Limits.

1. Recreational Catch Limits. A recreational shore angler may harvest only one fish among all Permitted Species and one additional Bonnethead, one additional Atlantic sharpnose, and one additional smooth dogfish per trip. A recreational vessel may possess on board or land only one fish among all Permitted Species per trip regardless of the number of recreational fishermen aboard, and one additional Bonnethead, one additional Atlantic sharpnose, and one additional smooth dogfish per person.
2. Commercial Catch Limits. Commercial fishermen shall not retain:
 - a. more than 100 pounds of smooth dogfish per trip or per day, whichever is the longer period of time; or
 - b. any quantity of a Permitted Shark Species after the Director has announced a commercial fishery closure.

(c) Gear Restrictions.

1. Recreational Gears. Recreational fishermen may take coastal sharks only by rod and reel or handline.
2. Commercial Gears. Commercial fishermen may take coastal sharks by rod and reel, handlines, gillnets, trawl nets, pound nets, fish traps, and weirs. It shall be unlawful to fish for, possess on board, or land coastal sharks taken by a longline of any length.

(d) Catch Disposition.

1. It shall be unlawful for:
 - a. any fisherman to fillet sharks at sea;
 - b. any fisherman to remove fins or tails from sharks;

- c. recreational fishermen to possess on board or land sharks whose heads, tails, and fins are not attached naturally to the carcass;
 - d. commercial fishermen to possess on board or land sharks whose fins and tails are not attached naturally to the carcass. Exception: Commercial fishermen may cut fins as long as the fins remain attached to the carcass with at least a small portion of uncut skin.
2. Commercial fishermen may eviscerate sharks and remove the heads.
 3. All sharks caught incidental to fisheries directed toward other species must be released in such manner as to ensure maximum probability of survival.
- (e) Authorization to Possess Prohibited Species. The Director may authorize persons to land and possess certain Prohibited Species for research or other scientific purposes. Commercial fishermen who possess authorization from NOAA Fisheries to harvest certain species from federal waters may fish for, possess on board, or land those species in Massachusetts provided said fish were taken lawfully from federal waters.
- (f) Dealer Measures. All dealers purchasing Atlantic Coastal Shark species from commercial fishermen must obtain a federal Commercial Shark Dealer Permit from the National Marine Fisheries Service.

(4) White Shark Conservation Measures

(a) Definitions.

Attract means to conduct any activity that lures or may lure any white shark to a person or vessel by using food, bait, chum, dyes, decoys, acoustics or any other means, excluding the mere presence of persons on the water including those persons conducting commercial or recreational fishing activity.

Capture means to forcefully gain control of a white shark. Capture includes, without limitation, the restraint or detention of a white shark or any act of intrusive research performed on a white shark. Capture shall not include the incidental catch of white sharks during the course of lawfully permitted fishing activity.

Chum means fish, chopped fish, fish fluids or other organic materials disposed of in the water for the purpose of attracting white sharks.

Director means the Director of the Division of Marine Fisheries.

Intrusive Research means a procedure conducted for scientific research involving a break or a cut in the skin, the application or insertion of an instrument, the introduction of a foreign substance or object onto the animal's immediate environment, or a stimulus directed at animals that may affect white shark behavior.

- (b) **Restricted Activities Related to White Sharks. It shall be unlawful for any person to attract or capture a white shark, unless the person has been issued a**

special white shark project permit by the Director in accordance with 322 CMR 7.01(4).

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