



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

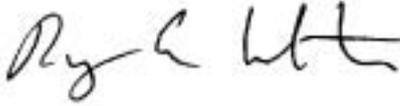
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F/SER31:SN

MEMORANDUM FOR: Alan D. Risenhoover
Director, Office of Sustainable Fisheries

Margo Schulze-Haugen
Chief, Highly Migratory Species Division

FROM: Roy E. Crabtree, Ph.D. 
Regional Administrator

SUBJECT: Modification to the October 29, 2003, Biological Opinion's
Incidental Take Statement for the Continued Operation of the
Atlantic Shark Fisheries (commercial shark bottom longline and
drift gillnet fisheries and recreational shark fisheries) under the
Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish,
and Sharks.

The subject incidental take statement did not allow the use of dehookers to assist hooked animals. At the time of the consultation sawfish experts did not recommend the use of dehookers for this species based on the concern that they may be harmful to the animals. Subsequently, smalltooth sawfish researchers have tested dehooking devices on the species and found them not to be harmful and potentially beneficial. This modification reflects the current Smalltooth Sawfish Safe Handling and Release Guidance found in the species' draft recovery plan.

Attached is the modified language, as agreed upon between our offices, for Terms and Conditions Relating to Reasonable and Prudent Measure 3. Please replace page 56 of the biological opinion dated October 29, 2003 with the attached page.

If you have any questions please contact Shelley Norton at 727-551-5781. No response is necessary.

Attachment

cc: F/PR
F/SEC11-John Carlson



Terms and Conditions Relating to RPM 3

1. NOAA Fisheries must require that captured smalltooth sawfish be handled in such a way as to increase their chances of survival. All fishermen participating in this fishery must be notified of the following procedures.
 - a. For the safety of both the animals and the fishermen, all smalltooth sawfish caught must be left in the water. The fishing vessel should maintain a minimum speed in order to immobilize the smalltooth sawfish while maintaining water flow over the gills. The animal should be inspected for tags and any tag recorded. Length of the animal should be estimated. If removal of the hook can be performed safely using a dehooker, it should be attempted. If a dehooker cannot be used safely then cut the line as close to the hook as possible.
2. NOAA Fisheries must continue to distribute appropriate sea turtle resuscitation and handling techniques found in 50 CFR part 223.206(d)(1-5), to all fishermen participating in this fishery. All fishermen must have the following gridlines posted on their vessels.
 - a. Resuscitation must be attempted on sea turtles that are comatose or inactive by:
 - i. Placing the sea turtle on its bottom shell (plastron) so that the sea turtle is right side up and elevating its hindquarters at least 6 inches (15.2 cm) for a period of 4 to 24 hours. The amount of elevation depends on the size of the sea turtle; greater elevations are needed for larger sea turtles. Periodically, rock the sea turtle gently left to right and right to left by holding the outer edge of the shell (carapace) and lifting one side about 3 inches (7.6 cm) then alternate to the other side. Gently touch the eye and pinch the tail (reflex test) periodically.
 - ii. Sea turtles being resuscitated must be shaded and kept warm or moist but under no circumstance be placed into a container holding water. A water-soaked towel placed over the head, carapace, and flippers is the most effective method in keeping a sea turtle moist.
 - iii. Sea turtles that revive and become active must be released over the stern of the boat only when fishing or scientific collection gear is not in use, when the engine gears are in neutral position, and in areas where they are unlikely to be recaptured or injured by vessels. Sea turtles that fail to respond to the reflex test or fail to move within 4 hours (up to 24, if possible) must be returned to the water in the same manner as that for actively moving sea turtles.
 - iv. A sea turtle is determined to be dead if the muscles are stiff (rigor mortis) and/or the flesh has begun to rot; otherwise, the sea turtle is determined to be comatose or inactive and resuscitation attempts are necessary.
 - v. Any sea turtle so taken must not be consumed, sold, landed, offloaded, transshipped, or kept below deck.

Conservation Recommendations