

**PROCEEDINGS OF THE
ATLANTIC STATES MARINE FISHERIES COMMISSION
COASTAL SHARKS MANAGEMENT BOARD**

**The Westin Alexandria
Alexandria, Virginia
May 10, 2017**

Approved October 17, 2017

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ATTENDANCE

Board Members

Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Rachel Dean, MD (GA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	Michelle Duval, NC, proxy for B. Davis (AA)
Colleen Giannini, CT, proxy for M. Alexander (AA)	Doug Brady, NC (GA)
Steve Heins, NY, proxy for J. Gilmore (AA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Tom Fote, NJ (GA)	Robert Boyles, Jr., SC (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Malcolm Rhodes, SC (GA)
Tom Baum, NJ, proxy for L. Herrighty (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Spud Woodward, GA (AA)
Stew Michels, DE, proxy for D. Saveikis (GA)	Rep. Thad Altman, FL (LA)
Roy Miller, DE (GA)	James Estes, FL, proxy for J. McCawley (AA)
Ed O'Brien, MD, proxy for Del. Stein (LA)	Wilson Laney, USFWS
Mike Luisi, MD, proxy for D. Blazer (AA)	Karyl Brewster-Geisz, NOAA

(AA = Administrative Appointee; GA = Governor Appointee; LA = Legislative Appointee)

Ex-Officio Members

Lewis Gillingham, Advisory Panel Chair

Doug Messick, Law Enforcement Representative

Staff

Robert Beal
Toni Kerns

Ashton Harp
Max Appelman

Guests

Sonja Fordham, Sharks Advocates Int'l

Proceedings of the Coastal Sharks Management Board Meeting
May 2017

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 10, 2017, and was called to order at 9:55 o'clock a.m. by Chairman Roy W. Miller.

CALL TO ORDER

CHAIRMAN ROY W. MILLER: Good morning, I'm Roy Miller; I'm from Delaware. I'm the new Coastal Shark Board Chair; and I would like to convene today's Coastal Shark Board meeting.

APPROVAL OF AGENDA

CHAIRMAN MILLER: As has been our practice, we need to approve the agenda. Draft agendas are available over on the table, if you don't have one.

Are there any additions or corrections to the agenda as we have it before us? Seeing no hands; I'll assume that it is approved as proposed.

APPROVAL OF PROCEEDINGS

CHAIRMAN MILLER: The next item is the approval of the proceedings from the October, 2016 Shark Board meeting. Would anyone offer a motion to approve those proceedings from 2016? There was a hand; I think that's Rob O'Reilly.

MR. ROB O'REILLY: Recommend approval.

CHAIRMAN MILLER: Is there a second to that; second by Jason? Any objection to approval, seeing no objection we'll move on to public comment?

PUBLIC COMMENT

CHAIRMAN MILLER: As our custom has been, there was an opportunity to sign up for public comment for any items not on the agenda. No one has signed up.

However, we'll probably have an opportunity to recognize members of the public, should a particular issue catch your fancy and you wish to offer comments; particularly when we get to Item 4, concerning final rule. We'll entertain that as time would allow. Again, I'm Roy Miller and up at the table with me we have Lewis Gillingham, representing the Advisory Panel, Doug Mesick representing Law Enforcement, and of course Ashton Harp, Commission staff.

FINAL RULE FOR HIGHLY MIGRATORY SPECIES, AMENDMENT 5B CONCERNING DUSKY SHARKS

CHAIRMAN MILLER: Without further ado, I would like to move on to Agenda Item 4, concerning the Final Rule for Highly Migratory Species, Amendment 5b concerning dusky sharks. I'm probably going to call on Karyl Brewster-Geisz; concerning the review of the Final Rule for the Highly Migratory Species Amendment 5b. I'll call on Karyl first.

MS. KARYL BREWSTER-GEISZ: Hello everybody, my name is Karyl Brewster-Geisz; I work with the Highly Migratory Species Management Division of NOAA Fisheries. I'm here today with two colleagues, Tobey Curtis and Gray Redding; and they are sitting in the back. If you have any questions after this meeting, we can always talk as well.

I'm here to talk about our final Amendment 5b, regarding dusky sharks. I am going to give you a very brief background, I know I presented to all of you last fall, summarize some of the public comments we received, and go over the final measures; along with some of our requests for this Board to consider for complementary measures. Last summer we received a final stock assessment update regarding dusky sharks. This was updating a 2011 assessment. The latest update found that dusky sharks continue to be overfished, with overfishing occurring.

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A mortality reduction of 12 percent was needed in order to stop overfishing, and a 35 percent reduction in mortality is needed to rebuild the stock by the year 2107. That is 90 years from now. We issued a proposed rule back in October. Comments were accepted through December. We heard a lot of comments, as I'll go over.

We released the final Environmental Impact Statement in February, this past February, and issued the final rule April 4th. Then we have two effective dates of either June 5th of this year, or January 1st next year. Regarding public comments, most of the comments I'd say we received were regarding the recreational measures.

We had proposed that all anglers wishing to fish recreationally would need to obtain, in addition to one of our HMS permits, a shark endorsement. This shark endorsement would require watching a video and taking a quiz online. Generally, a lot of people liked that idea. We did have some people talking about how that was unheard of and we shouldn't do it. But we had some commenter's saying that we should require such educational classes, in order to get a permit for any HMS.

If you remember, we also proposed circle hooks for shark fishing, and in addition to the circle hooks we had specific leader strength, in order for those circle hooks. Most of the comments were in regard to that. People did not like the leader strength. They thought that that proposal would limit their ability to fish recreationally for other species; such as dolphin or wahoo or swordfish, tunas, billfish. We heard a lot of those comments.

Then we also heard comments that we needed to improve recreational catch data for all sharks; not just duskies. Commercially we had proposed removing as much gear as possible from the dusky shark; particularly pelagic longliners cutting the gangion no more than three feet from the hook. We heard a lot of the

longliners tell us that there were safety concerns with that. That if the shark was really fighting, cutting a tight line would cause the line to snap back in their face. They had some concerns about that.

We also had concerns that our proposed measure to move one nautical mile would not be far enough away from the dusky sharks; and you could still reach dusky sharks. Then we had some concern about whether or not circle hooks would be effective on bottom longline gear. Beyond the commercial and recreational measures, we had a lot of comments that there are a lot of dusky sharks caught as bycatch in non HMS fisheries; and we need to worry and set up measures regarding that bycatch.

We also had support for some of the hot spot closed areas that we looked at, but did not propose, and a lot of questions about how we're going to monitor the effectiveness of the final measures. We considered all of those comments and made a number of changes. With Alternative A2, this was the alternative with the shark endorsement. We did finalize this. This will go into effect January 1st of next year. This will include an educational video of about two minutes. We have a draft available right now that we showed our Advisory Panel yesterday; which if the Board likes, I can show today. It's a little bit longer than two minutes. The video focuses on how to identify dusky sharks and other ridgeback sharks; and some of the measures to handle and release sharks safely. There would then be a quiz, just to make sure that everybody heard the same information in the video; and the quiz will be really short, it's just an educational tool. Nobody would fail the quiz. If you answer the wrong answer, you would just get, nope that was wrong, here is the right answer; and it would explain it.

Then we're also working on updating all of our educational materials, so our recreational placard, we're working on a prohibited species poster, we're working on a little sticker about

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dusky sharks; so a lot more educational materials than we had before. Alternative 6d, this is a new alternative based on some of the comments that we received regarding circle hooks.

This would also be effective January 1st, and this would require the use of non-offset, non-stainless steel circle hooks by all of our permit holders with a shark endorsement, when fishing for sharks recreationally south of 41°, 43 minutes north latitude. That is about equivalent with Chatham, Massachusetts, so any place north of that you don't need to use the circle hooks; any place south you would.

This was based on the northernmost range of dusky sharks. The map on the screen, you'll see the green dots on the bottom. That is all the data we have regarding where dusky sharks occur; so that's how we drew that line. Any sharks that are caught on a J-hook would need to be released, so they could not be retained.

This is on a line-by-line basis. We are aware that some recreational fishermen put out some lines for sharks and some line for some other species. Only the lines that are meant for sharks would need to use circle hooks. The commercial measures are pretty much unchanged from where they were when we proposed them. The difference would be Alternative B3. This is requiring pelagic longliners to release sharks cutting the gangion no more than three feet from the hook.

We have added, as safely as practicable, to make sure that the fishermen know they don't have to necessarily take unsafe actions, or actions they think would hurt them. But we are encouraging them to minimize as much gear as possible. They are all trained in how to do this; because they are required to take a class on how to release sea turtles and these gears they're using to release the sharks are the same.

They would also be required to complete additional information in those workshops; only this information would be on shark identification, not on sea turtles. They would need to notify others when they interact with a dusky shark; and move at least one nautical mile away. The one nautical mile is equivalent to what we require for sea turtles and marine mammals.

This is not something outrageously new. It's just new for sharks. Then Alternative B9 is requiring the use of circle hooks in the directed bottom longline fishery. To summarize, we're pretty sure all of these final measures will end overfishing immediately; and that is that 12 percent fishing mortality reduction, and that we will achieve the mortality reduction target of 35 percent, in order to rebuild the stock by 2107.

The other thing Amendment 5b did is we did clarify what the annual catch limit is for all of our prohibited species; including dusky sharks, and that means an ACL of 0. We are aware there is bycatch of all of these species. But we did not want to encourage fishermen to try to reach any particular target. We have set it at 0 with the understanding, yes there will be some bycatch, but we will be monitoring that; and we'll take additional measures as needed to reduce that mortality, if any of the mortality on a particular species starts going up. The last thing I wanted to touch on is what measures we think we would like the states to take; in order to be complementary with us.

The first and I think probably the most obvious, is help us with outreach and education. Part of this would be helping distribute some of our educational materials we are creating; along with providing links to that material online, on the state web pages. For instance, if a state has a web page on how to get a state license, maybe also provide links to our outreach materials; and perhaps if somebody is interested in fishing in federal waters, the link to our permits web page.

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We would also like to collaborate with the states on development of the best practices to handle and release sharks, particularly when we're talking about shore and pier-based fishing. Part of NOAA Fisheries, we're federal waters; we don't have any fishing from shore. But all of you do. How you release a shark from shore can be very different than how you would release it from the side of a vessel.

We would like you to consider requiring circle hooks in the various state hook-and-line fisheries. This would be in your recreational fisheries, along with your short line, and possibly commercial hand gear fisheries. We would like you to consider requiring fishermen to maximize gear removal before removing sharks.

As I said, our pelagic longline fishermen, as of June 5th, will be required to remove sharks with no more than three feet from the gangion remaining. Then we would also like to have you consider using cooperative research with us; to improve estimates of dusky and other sharks that are caught in state water fisheries.

One idea we had could be maybe via the commercial shark research fishery. This is a research fishery that we only have between five and ten fishermen participate in annually. They are the only fishermen who are allowed to land sandbar sharks. They have 100 percent observer coverage. They are very limited in how many hooks they can use, and what their soak times are.

We regulate them pretty well. Their problem is because they can land sandbar sharks, they are not allowed to fish in state waters. But this is one way we could all collect additional data on what's happening in state waters for dusky and sandbar sharks; if we could find some way of letting these fishermen into state waters. That's all I have; if there are any questions. Thank you.

CHAIRMAN MILLER: Thank you, Karyl. At this point we'll entertain any questions based on Karyl's presentation. I see a hand in the back, is that Jim?

MR. JIM ESTES: Yes sir, thank you, Mr. Chairman, thank you, Karyl. Question that I have is if, I think we're going to be considering adopting some of these measures in state waters. If we do not adopt the measures that you suggested in state waters, and specifically talking about the requirement to have educational information mandatory for recreational fishermen. If we do not do that do you still think that you will reach your goals?

MS. BREWSTER-GEISZ: I think we could. But it is not as likely, as certain. A big portion of Amendment 5b is the education and outreach. It is teaching recreational anglers what a dusky shark is. It is teaching the commercial fishermen what dusky sharks are. Not all fishermen are aware of it.

You will hear a lot of, particularly recreational anglers, talk about sand sharks or brown sharks. In most cases those anglers are talking about a ridgeback species that they are not supposed to be landing; and so it's getting that out. It is not necessarily teaching them this is definitely a dusky, it's teaching them this is a ridgeback shark; you should not be keeping it.

CHAIRMAN MILLER: Rob O'Reilly and then Robert.

MR. O'REILLY: I guess one thing I would be interested in. It seems that your summary pretty much captures what's in the rule; and so it would be good to have that. Most states or all states have some type of an advisory group, where the advisory group could be provided this information, both on the recreational and the commercial side. That would be beneficial. The website, I understand that part of it. I was curious, and when you talked about the circle hook, I didn't see the word shark there; but you

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did mean hook and line fisheries for shark, is that correct?

MS. BREWSTER-GEISZ: That's correct.

MR. O'REILLY: Okay and I'll follow if I may, Mr. Chair, just with a suggestion. The way you portrayed the quiz, I think you need to get at the psychology a little bit. We often are subjected in the states to these conflict of interest and other types of quizzes. To just provide the right answer is probably going to be less effective than if you can look at your quiz, your design, and make them get the right answer.

Even if it takes someone three tries, I think it would be better for them to recognize that; because I would be concerned with someone taking the quiz. They really aren't paying attention. They know they're just going to get the answer, okay, on we go. There may be a subtlety there that you could consider, with the way the quiz is taken. Just a suggestion, and then the endorsement is definite that's what I saw there, is that correct?

MS. BREWSTER-GEISZ: That is correct.

CHAIRMAN MILLER: Maybe a multiple-choice answer or something like that, Rob. Robert.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, not a question for Karyl, although thank you, Karyl for the presentation, but some discussion when we're ready for it.

ADVISORY PANEL REPORT

CHAIRMAN MILLER: Are there any further questions, before we move on to the Advisory Panel? Seeing none; I'll call on Lewis Gillingham for the Advisory Panel report.

MR. LEWIS GILLINGHAM: The Advisory Panel met via conference call in early April. It was one of the most well attended meetings that the AP has had. I want to thank the Chairman, who was also in on that call; as well as Karyl, and she

helped explain some of the nuances to the federal rule, which by that time had been adopted. What we were charged with reviewing, were the two recreational measures, Alternative A2 and the Alternative A6d, so that is all we discussed about moving those requirements into state waters. Overall the members on the call welcomed the shark education opportunities for fishermen.

They noted shark misidentification by recreational fishermen is common. In some cases this actually deters anglers from shark fishing; because they don't know what they can and can't keep. In other cases it leads to additional mortality; when they have a shark that they can't keep. But they think it's something else, like the proverbial sand shark, which includes I don't know how many different species in their mind.

There was opposition to the shark identification training course leading to a separate permit. But multiple participants preferred states to consider some options. They suggested states could require recreational shark anglers, fishing for sharks, take a short online quiz and video; similar to the one being developed by NOAA. Through this it was identified potential action could be an addendum to the Atlantic States Marine Fisheries Commission Coastal Sharks FMP, or a mandate put forward by each state.

In the latter case, states would develop regulatory language and then advertise a requirement amongst their anglers. If the latter is chosen, states could ask fishermen to take an identification training course quiz, when applying for the state saltwater fishing license. But the angler could take the course at any time during the year.

In that situation, after an angler completes the quiz, a unique number could be generated and shown on the screen. Anglers will provide this number to law enforcement upon request, so it is essentially a permit. The number could be written on their state fishing license, or just a

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copy of the original page. Potential action the Commission should work with HMS to have the quiz create a unique number at the end of their quiz; so states could piggyback onto that.

However, this is not currently part of the scope of the work, at least at the time of our conference call in early April. The AP recommends the Commission to seek feedback from Law Enforcement on enforceability of this action. The AP also noted that the NOAA HMS permit and shark endorsement is vessel based, and their quiz is focused on fishing from vessels.

But there is a definite need for states to take the lead in developing best practices when releasing sharks; from beach, piers, and jetties. Potential action would be states on their state website, a shark angler webpage could be developed that would include shore based best practices for releasing sharks (video or text) and include a link to the HMS video.

A prime example was sharks caught in the surf, particularly the larger ones that are often tail roped and drug up on the beach through the sand; and that is about the worst way, if you want a shark to survive after it's released. Sharks caught on piers should be released with no more than three feet of line.

Outreach materials should focus on the positives of having shark education; so an angler feels comfortable in keeping what is legal, yet knows what he has to return. This would make it more than just a mere requirement; it would be advantageous for the recreational angler. One participant in particular wanted the online quiz to be strongly recommended; but stop short of making it a requirement. The second item the Committee considered was the alternative A6d, which would require the use of non-offset, non-stainless steel hooks when fishing for sharks recreationally in state waters, south of 41°, 43 minutes north latitude, except when fishing with artificial lures. Chatham, I knew that.

There was broad discussion about the enforceability of this measure.

These concerns included much of the interaction with sharks in state waters will by fishermen that incidentally catch sharks while fishing for other species. These anglers will not likely be aware of the requirement. It could lead to discarding, because anglers not using the correct hook would be prohibited from retaining any sharks.

Enforcement officers will most likely intercept anglers at the dock rather than at the time of harvest. Therefore, officers will take the anglers word that a circle hook was used for any kept shark. HMS anglers are more likely to target sharks and be aware of the regulations involved with shark fishing; whereas state anglers simply are not as knowledgeable.

There will likely be pushback if this measure is implemented, and I think that was directed at both the first option and the second option. Shark misidentification is a bigger issue than using a specific hook style. Lastly, the AP recommends the Board seek advice from the Law Enforcement Committee on this measure. I'll answer any questions.

CHAIRMAN MILLER: Any questions for Lewis on the AP report? I see one hand, is that Michelle?

DR. MICHELLE DUVAL: Thank you for that report, Lewis. Just to clarify, the AP was generally supportive of requiring taking or completing the quiz. The AP was supportive of that being a state requirement, but it sounds like they also suggested Law Enforcement Committee input on that.

MR. GILLINGHAM: Chairman Miller and Ashton were both on the call as well. They danced around the idea of making an actual permit; although they were saying yes, you should have to watch this video and get a unique number, and then it becomes a permit. But they never referred to it as a permit. We all supported the

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idea of any additional outreach or shark identification is really the big problem, just in the recreational shark fishery; particularly to dusky sharks.

CHAIRMAN MILLER: I'll call on Ashton, and see if she has anything to add to that.

MS. ASHTON HARP: Thank you, Lewis. One additional comment; the AP liked the idea of more education related to shark fishing. They recognize lack of education is a big problem that leads to shark mortality. But implementation was a question. Since HMS has not fully rolled this out, they weren't sure how one could link back that the harvester had taken the quiz. For example, how would law enforcement on the water know with certainty that they had taken the quiz.

Since they didn't know what that path would be, it was hard for them to make a final decision on whether this was the right way to go. But in general they are in support of any kind of shark education for fishermen.

CHAIRMAN MILLER: Incidentally, if you go online you won't find this yet; that identification scenario. Am I right, Karyl?

MS. BREWSTER-GEISZ: That's correct. We have some outreach materials available. Now we're working on updating it as a result of Amendment 5b. As I said, I have the draft of the video with me; if anyone wants to watch it.

CHAIRMAN MILLER: Doug, I'm sorry, David.

MR. DAVID E. BUSH, JR.: No worries. Just a quick question about the use of the proper hook, if I understand what you're saying, an otherwise legally harvested shark if not caught by the proper hook, would go from a landing to a potential dead discard. Is that correct?

MR. GILLINGHAM: That would be correct.

CHAIRMAN MILLER: Mike.

MR. MICHAEL LUISI: Excuse my ignorance on this topic right now. But I'm trying to figure out, and maybe somebody can explain to me, how the requirement for obtaining this and going through this video, which the way Rob mentioned it, it kind of takes all the fun out of it to try to see how fast you can get done; if you really have to get the right answer.

But I agree that the right answer should be something you need to obtain. How does the state, if we were to require that how does that factor into our state recreational license? Is there any connection there or is this strictly for anyone applying for an HMS permit, and that's it? We would basically host.

We could have informational materials and educational materials, and we could host the link on our webpage, let's say, to make sure that people are aware of it. I'm trying to understand how the states would implement that and mandate those actions for the federal permit.

MR. GILLINGHAM: It's a good question, Mike. I'm going to call on Karyl for advice on this.

MS. BREWSTER-GEISZ: After the AP meeting, I went back and we went through some scenarios in our office of what we could and couldn't do. One of the requirements right now of getting an HMS angling permit or charter headboat permit, and those are the permits that would be required to get the shark endorsement, is you need to have a vessel.

If anybody wanted an HMS permit, and therefore get the shark endorsement that way, they need the vessel. I don't think that would work for the states; because you have a lot of state anglers that are fishing from shore. But we did come up with some options about still putting the video up on that same webpage with the permit; where anyone could take it.

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We had a couple of different options. One would be sort of they could watch the video, take the quiz; and then it would say great job, how would you like your name to appear on the certificate. Then they could print out a certificate, which would have a number on it for the states. We could either not keep any of that information, so there would be no way for the state to figure it out, that is the easiest for us, because there is not as much money involved, or we could work out some system where we keep all the information that that person enters in, so that would go on the certificate. Then the state could come back to us and say, can you please verify so and so has taken the quiz; and we could go back and do that. We did have questions for the states on what is it the state would like.

Are there particular numbers on your licenses that you would want to be on the certificate and things like that? There are ways we can work so it is something. As Lewis pointed out though, our video is mostly focused on handling and release from a vessel. We would still have that issue to get around.

CHAIRMAN MILLER: Another question, Doug.

MR. W. DOUGLAS BRADY: I'm just trying to get my arms around how one determines if they're a directed shark fisherman or incidental; and how law enforcement determines this if you have this requirement to take a course. Now, if you're fishing for cobia you're fishing for king mackerel, you're fishing for amberjack or whatever, and you're catching sharks.

Are you directed? I don't know how you would come up and say, okay we're catching sharks, but we're really not directing the fishing effort towards sharks or you are directing the fishing effort towards sharks. The angler would, again I have a problem with it, and I don't know what he would say. I'm really catching something else, but I'm catching a lot of sharks. How do you deal with that or how is law enforcement going to deal with that?

MS. BREWSTER-GEISZ: For our endorsement and circle hook requirement, it is when you are recreationally fishing for sharks. Anytime you catch a shark on a J hook, you would have to release it. Anytime you catch a shark and you don't have a shark endorsement, you would have to release it. You would only be allowed to fish for and retain sharks if you had both the shark endorsement, which requires the video and the quiz, and circle hooks. It is fishing for sharks. It's up to the angler to decide, but if they're not using circle hooks they have to release the shark.

DR. DUVAL: I don't have any questions, but I did have some comments and thoughts. I just didn't know whenever you're ready for that part of the discussion.

CHAIRMAN MILLER: I think we've moved into comments, so go ahead.

DR. DUVAL: First of all I want to thank Karyl and the HMS staff for their thoughtful consideration of comments that have been submitted. North Carolina submitted comments, and we had some of the same concerns about the recreational measures; in regards to the leader material and use of flies, and how they might be considered under HMS rules. Then also the safety concerns with regard to the commercial measures of cutting the line at less than three feet; so thank you very much for taking those into consideration.

We really appreciate that. I think we're very supportive of any educational and outreach materials, videos, et cetera, that are developed to better educate anglers; with regard to shark identification, best handling practices, et cetera, any of those things. I think what I'm struggling with here, and I think probably what some other board members are struggling with here is making that a requirement. Looking at the Advisory Panel report, and looking at generation of a number that you would write on a state license. I'm not trying to be a Debbie

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Downer here, but I think that would be sort of a non-starter from our perspective in terms of the workload. It is my understanding that to make any of these changes or some of these considerations for complementary measures would require an addendum to the fishery management plan. I see Ashton nodding her head. I would want some Law Enforcement Committee input, as recommended by the advisory panel on a couple of these measures.

The requirement for circle hooks in state waters for various state hook and line fisheries, just because I think for us we would have to go back and take a look at what overlap there might be with some existing state regulations that we have on the books; and how that might impact things.

Then I think we would be certainly more than happy to host links to any of the educational and outreach materials on our website; within our proclamations that we issue with regard to shark harvest, commercially and recreationally. I'm just struggling with making that a requirement. I understand the intent, and very supportive of those efforts. But that is something I'm struggling with. I would also be asking for some Law Enforcement Committee input on the enforceability of those measures.

CHAIRMAN MILLER: Thank you for that suggestion. Perhaps this would be a good time to invite Doug Mesick on behalf of the Law Enforcement. If they have any comments, please weigh in at any time. If you have any now, feel free to make them.

MR. DOUG MESICK: Good morning. Yes, I'm agreeing that a lot of these measures are very workable. It's going to take a lot of education and outreach on both parts of it. I'm listening to all the comments, and I do agree this does need to come back and go in front of the Law Enforcement Committee, so that each state can weigh in, so that we can look at different regulations up and down the coast.

I also agree, a lot of the shore-based fishermen, I know particularly in our state of Delaware and nearby Maryland, it's a large shore-based fishery, so we really have to incorporate that into it. To answer some of the questions beforehand, most folks when we make an initial boarding, they are in some type of targeted or directed fishery. They know what they're fishing for.

You can tell by different baits, by different setups, or you can tell by the person who is just out there to catch whatever comes along. The ones that are going to take the education are going to be those folks who are just down there that are just arbitrarily fishing for anything; and they're going to have the incidental catch. The folks who are targeting these sharks, they know what they're doing, so they will take advantage and weigh in on the options.

But I do agree that there are a lot of more questions that need to be answered. I would like to see it go in front of the Law Enforcement Committee, and address some of these questions, so we can bring them back. But yes, most of the measures are enforceable, and it's going to take a good round of education and outreach.

CHAIRMAN MILLER: Any questions or comments? David.

MR. BUSH: Probably the only comment that I really have at this point, I understand that it's going to be a lot for enforcement to wrap their head around and provide some feedback, as to whether or not some of this stuff will be even feasible. But the one concern that I have is going back to the other requirement to keep a shark as if you caught it on a circle hook. The reason for you using a circle hook is to increase the survivability of whatever it is you caught. Therefore, you're saying that using the J-hook, you've decreased the survivability of whatever that was.

You throwing it back in the water is going to increase those dead discards. Every council

commission up and down this coast understands and verbally states that they wish they had more information on discards; and the ability to reduce them. I see this as something that creates more dead discards, and also the variability and not having a handle on how many that is. Maybe there is a different way we could go about this, but not catching it on the proper gear makes it illegal to keep it, I think is the wrong way to go about it.

CHAIRMAN MILLER: Any other comments or questions? Robert.

MR. BOYLES: Just a general discussion. Karyl, again thank you for the presentation, thank you for your consideration of our comments that we submitted to you back in December. I guess where I'm coming from is the request now for the complementary measures. I should note our legislature has weighed in on this issue years ago.

Karyl, as you know we do adopt by reference federal law for sharks, and so that makes for us shark management very easy in South Carolina, very easy for recreational and commercial anglers to understand; with the complementary measures. However, general assembly has codified that no federal recreational angling permit or federal charter headboat permit would be required for taking or possessing of sharks in state waters in South Carolina.

I am not in a position to support the endorsement. I think we need to be very, very careful. I certainly understand where we are, on trying to educate folks; that education can go a long way. But I think the endorsement has the force and effect of a permit, and that force and effect of a permit, you know when our legislature has said we're not going to require this in state waters. I think we need to be very, very careful of, and I can't support that.

CONSIDER COMPLEMENTARY MANAGEMENT MEASURES

CHAIRMAN MILLER: Clearly we're now on the nearly final agenda item; Considering Complementary Management Measures and a possible action. Are there any further comments or suggestions? Michelle.

DR. DUVAL: Also, and I apologize that I didn't do this earlier. This is directed really at Karyl. But the consideration for cooperative research to improve estimates of dusky sharks via the shark research fishery, is there a little bit more detail you can add to that? I guess I'm wondering if the Service is asking that states allow those vessels that are permitted to participate in the shark research fishery that we complement that or allow that within the state fishery management plan.

I was just wondering if you had more specific thoughts on that. Because I know in North Carolina, you know we have a Scientific, Educational Collection Permit that would be required to be filled out to allow those vessels to participate in those activities. I think you might have had some discussion with one of our staff members on that. The coastal sharks FMP requires that any activities of that nature be permitted through such a state permit. I was just curious if you could add a little bit more to what you all were thinking in that regard.

MS. BREWSTER-GEISZ: Yes, what we're looking at is some ability for once we issue the shark research fishery permit, for those vessels to be allowed into state waters and continue fishing as they do in the shark research fishery. We did have discussions with North Carolina staff members about this. We quickly ran into stumbling blocks, where we needed to fill out an application to fish in the North Carolina waters, and change how the research was being done to match North Carolina regulations.

I think the biggest issue was the sandbar sharks. That is one of the, these are the only people

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who are allowed to keep sandbar sharks, and as you all know under the state plan sandbar sharks cannot be fished for in state waters. That became an issue. It's just trying to find some way of potentially allowing these researchers or the research vessels to go in; and we would be willing to work with each state to figure out the best way to make that happen.

CHAIRMAN MILLER: Other comments or questions? I see a hand in the audience. I'll get to that in just a second; any more comments or suggestions from the Board? Rob.

MR. O'REILLY: I guess for Karyl, I'm just wondering, the VIMS Longline Survey, longstanding survey, does that meet more than just local objectives? Does that give more of a flavor to the Mid-Atlantic area? How is that looked at in terms of what you're seeking?

MS. BREWSTER-GEISZ: The VIMS Longline Survey is a great survey. It's one of the longest running shark surveys we have; and it's critical for a lot of our shark assessments, including dusky and sandbar. We definitely use that and rely on that a lot. I think that samples certain portions of the Bay; but it would be interesting to have some more research farther offshore, closer to the state/federal line than where the VIMS survey reaches.

CHAIRMAN MILLER: Any more comments or suggestions from the Board? Seeing none at the moment; I'll go to the audience. There was a hand back there. Sonja. Please identify yourself.

MS. SONJA FORDHAM: Thank you, Mr. Chairman, Sonja Fordham; I'm President of Shark Advocates International, also a member of the ASMFC Shark Advisory Panel. I also serve on the HMS Advisory Panel. We're actually meeting this week in Silver Spring, and we got a similar briefing from NOAA about the Dusky Shark Amendment yesterday.

It's probably no surprise to you that I am strongly in favor of complementary action by the ASMFC to support new measures for dusky sharks, and boost the chances of effective rebuilding; especially in light of the dire status of the population, and the exceptional vulnerability of this particular species.

I wanted to just take the opportunity to express that on the record, because I wasn't able to participate in the AP call, because of a scheduling conflict. I just wanted to add that I recognize that there are a few challenges for this amendment; but to really stress that for the conservation community this has been a really long time coming, this amendment.

Karyl will remember better than I, but I think the first new measures for duskies were proposed in 2011. It's been several years. As she said, we're looking at a 90 year recovery period; also to stress that NOAA really can attest that they've been struggling and examining these issues for many years in great depth. This is what they've come up with as the best situation, after much consideration from all types of stakeholders. This species has been prohibited for many, many years and is simply not recovering. It needs more action. We think it's really important to get started with those new measures. Then finally for what it's worth, I just wanted to say, I think it's fair to say there was a considerable amount of support for complementary state action expressed yesterday in Silver Spring at the HMS AP meeting. Thank you for your consideration.

CHAIRMAN MILLER: Thank you, Sonja. Is there any other public comment that would be pertinent at this time? Seeing no hands, in the few minutes we have left in order to stay on schedule, I see we are at a decision point, in terms of basically two choices, voluntary implementation of these federal measures within state waters; or mandatory implementation of these federal measures within state waters. I'm wondering if Board

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members have opinions on this, how we should proceed. I'll call on Ashton.

MS. HARP: A potential path for consideration by the Board; over the summertime the LEC could discuss these issues; and I could reach out to states to request what kind of outreach they're already doing, as far as shore-based practices. Given some states have mentioned efforts are underway.

I would like to gather those comment into a single document, and also if any states are using or have circle hook requirements, how are they doing that and how has that worked on the water for them? All this information would be reported back at the August meeting and then a decision could be made.

CHAIRMAN MILLER: Michelle.

DR. DUVAL: Thanks for that Ashton, because that is in line with what I had suggested, in terms of going to the LEC and having them weigh in on some of the logistics involved with the request for complementary measures in state waters. I think it would be prudent and useful for that information to be collected, with regard to use of circle hooks in state waters, as it stands right now or potential hurdles or conflicts in doing so. I'm not prepared to make a decision one way or the other today at this meeting without that input.

CHAIRMAN MILLER: I think that's a great suggestion; any others? Mike, is your hand up?

MR. LUISI: I also wanted to say, Mr. Chairman that I would support Ashton's approach. I am not prepared today to decide one way or another whether or not we make something mandatory or take the voluntary path. But I think a report back at the August meeting; I'll certainly be ready to go to make a decision at that meeting, based on what Ashton has suggested.

CHAIRMAN MILLER: Ashton, then following up on your suggestion and Michelle's and Mike's, something staff would envision accomplishing prior to the August meeting?

MS. HARP: Yes that can be done.

MR. THOMAS P. FOTE: My concern is looking at what it would cost, and would it cost in not just money and staff time, we have very little in New Jersey of both. It's even going to get worse in the next year; with all the retirements. I'm just hesitant to support anything that requires more work and more money, because I don't know where it's coming from.

MS. BREWSTER-GEISZ: While I support the idea of having OLE or Enforcement – I suppose you go by a different acronym – look at the measures and what would work. I would like to encourage ASMFC or the states to begin the process of looking at state and shore-based handling and release measures, and come up with some sort of best practices.

CHAIRMAN MILLER: Well fortunately, with regard to the recreational measures, we do have a little time; since they become effective January 1, 2018. By gathering information to show where we are at present for the August meeting; that would be at least on track. If we need to take any further action at some point in the future, we'll probably be able to in time for the 2018 implementation; any additional suggestions or comments? Michelle.

DR. DUVAL: I guess just to note again that I agree that research, we could get some really valuable research and information from state waters, from shark research vessels being allowed to operate in state waters. I think the stumbling blocks are really, I think the Fisheries Service having some concerns about applying for a state Scientific and Educational Collection Permit, as required under the fishery management plan.

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As well as, I think Karyl noted the difference in the allowable gears that are used in that fishery. I don't know if that is something that Ashton, in your work between now and the summer meeting, if this is something that the TC would consider. I am just noting that we could get a lot of valuable information if there was some way for NOAA to apply for the state Scientific and Educational Collection Permits. We're supportive of the research, it's there are these two items that I think are preventing that. I just didn't want to lose sight of that.

CHAIRMAN MILLER: That's a good point, Michelle; any other comments, suggestions. If I could briefly summarize then, ASMFC staff will basically poll the states, in terms of information gathering, in terms of where we are at present with state measures that would be complementary to the federal action.

We'll hear a report on that in August, and then that will give us a little more direction and a little more information on where we need to go as a body; in terms of the Shark Board and complementary implementation of these federal measures. Does anyone else have any other suggestions on this particular topic?

I think we've just about exhausted our agenda on this; any further questions or comments from the Board? Seeing none; any further questions or comments from the audience? Seeing none; I will note that at a future meeting, perhaps in August, we'll take up the idea of a Vice-Chair for this particular Board. We'll defer until then. I would like to thank Adam while he's here for his previous service to this Shark Board; thank you Adam, for doing a great job.

ADJOURNMENT

CHAIRMAN MILLER: Is there anything further for this Board? Seeing no hands; we're adjourned, thank you.

(Whereupon, the meeting was adjourned at 10:55 o'clock a.m., May10, 2017.)