

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

**The Roosevelt Hotel  
New York, New York  
October 23, 2018**

**Approved April 30, 2019**

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**ATTENDANCE**

**Board Members**

Steve Train, ME (AA)	Russell Dize, MD (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Bryan Plumlee, VA (GA)
David Pierce, MA (AA)	Lewis Gillingham, VA, proxy for S. Bowman (AA)
Bob Ballou, RI, proxy for J. McNamee (AA)	Sen. Monty Mason, VA (LA)
Bill Hyatt, CT (GA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Justin Davis, CT, proxy for P. Aarrestad (AA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
Michael Falk, NY, proxy for Sen. Boyle (LA)	Robert Boyles, Jr., SC (AA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Marcel Reichert, SC, proxy for M. Rhodes (GA)
Emerson Hasbrouck, NY (GA)	Sen. Ronnie Cromer, SC (LA)
Heather Corbett, NJ, proxy for L. Herrighty (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Spud Woodward, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Jim Estes, FL, proxy for J. McCawley (AA)
John Clark, DE, proxy for D. Saveikis (GA)	Rep. Thad Altman, FL (LA)
Mike Luisi, MD, proxy for D. Blazer (AA)	Karyl Brewster-Geisz, NMFS HMS
Ed O'Brien, MD, proxy for Del. Stein (LA)	

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

**Ex-Officio Members**

Greg Garner, Law Enforcement Representative

**Staff**

Robert Beal	Kirby Rootes-Murdy
Toni Kerns	Jessica Kuesel

**Guests**

Bill Anderson, MD DNR	Chris Scott, NYS DEC
Brittany Bushee, MA	Julia Socrates, NYS DEC
Ali Donargo, Boston, MA	John Whiteside, SFA
Lynn Fegley, MD DNR	Charles Witek, W. Babylon, NY
Jon Hare, NOAA	Catherine Ziegler, NYS DEC
Arnold Leo, E. Hampton, NY	

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Tuesday, October 23, 2018, and was called to order at 11:40 o'clock a.m. by Chairman Roy W. Miller.

**CALL TO ORDER**

CHAIRMAN ROY W. MILLER: Welcome to the Coastal Shark Management Board Meeting. I'm Roy Miller from Delaware; I'm the Governor's Appointee. I'm Chairing the Coastal Shark Board. I would like to call the meeting to order.

**APPROVAL OF AGENDA**

CHAIRMAN MILLER: First item of business on our agenda is Approval of the Agenda. Are there any additions or corrections to the agenda for this meeting?

Seeing none; I'll assume they are approved as prepared.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN MILLER: Also, approval of the proceedings from the August, 2018 Shark Board meeting. Are there any comments, suggestions, additions or corrections to those proceedings? Seeing none; I'll assume they're approved as they have been prepared for you.

**PUBLIC COMMENT**

CHAIRMAN MILLER: At this time I'll offer the opportunity for public comment for any items that are not on our agenda. Is there any public comment, Kirby?

MR. KIRBY ROOTES-MURDY: No.

**CONSIDER ADDENDUM V FOR FINAL APPROVAL**

CHAIRMAN MILLER: Seeing none; we'll proceed on with our agenda. The next item on our agenda is consideration of Addendum V for final approval. This is a final action today, hopefully. I'm going to call on Kirby Rootes-Murdy of the Commission. I've also got before us up here Greg Garman representing Law Enforcement.

Karyl is over at the end of the table, I missed you, Karyl. Welcome! Karyl Brewster-Geisz is with us representing NOAA Fisheries.

**REVIEW OPTIONS AND PUBLIC COMMENT SUMMARY**

I will call on Kirby Rootes-Murdy to discuss the Options and the Public Comment Summary on Addendum V, Kirby.

MR. ROOTES-MURDY: I will try to go through this as quickly as possible. This is our outline. I'm going to go briefly through the time table and overview, statement of the problem, background of the management options, and then I'll go through at least the Advisory Panel comments. We didn't receive any public comment; and then I'll take any questions you guys have.

As you guys are aware, this Board initiated draft Addendum V back in May of this year. The Board considered the document for public comment in August of this year; and we had a public comment period that started at the end of August and ran through the beginning of October. Today, as Roy mentioned, the Board will be considering final action on this draft Addendum. Back in May the Board was presented the recent North Atlantic Shortfin Mako Stock Assessment, and the Emergency Rule measures that were implemented by NOAA Highly Migratory Species Division in response to it. The Atlantic Shortfin Mako Stock Assessment indicated that the resource was overfished and that overfishing was occurring. To address the stock status, the International Commission on the Conservation of Atlantic Tunas, ICAT, at their November, 2017 meeting determined that all member countries needed to reduce landings by approximately 72 to 79 percent from current levels to prevent further declines in the population.

Reduction to zero landings is needed to rebuild the resource by 2040. To address the needed landings reduction, NOAA Fisheries implemented the following measures for

shortfin makos. They increased the minimum size limit; fork length for the recreational fishery from 54 inches to 83 inches, and prohibited landings in the commercial fishery for all gear types, with the exception of the pelagic longline fleet for those pelagic longline vessels that have an HMS permit.

Electronic monitoring devices are required in order to retain sharks that are dead at haul back. The Board considered these measures and the Technical Committee's report; and decided not to adopt emergency rule measures, but instead initiate an addendum to provide flexibility in implementing measures and changes to those measures for all species within the coastal sharks FMP.

Part of the issue here is that the FMP currently only allows commercial quotas, possession limits, and season dates to be adjusted annually through specifications. All other commercial and recreational measures can be adjusted only through an addendum; as outlined in the Adaptive Management Section, or through emergency action.

The emergency action has a rigorous set of criteria; and basically when looking at the stock assessment for shortfin makos, it didn't meet those criteria in state waters. The Board, as I noted, decided to initiate an addendum that would allow them more flexibility in trying to make changes to the FMP for a number of measures in situations that basically fall short of an emergency action.

As you all are aware, the FMP was adopted in 2008. We have eight different complexes that is under this FMP; prohibited species, research, small coastal, non-sandbar, large coastal, pelagic, smooth dogfish, and it's important to understand that the proposed action, the two options in this addendum, would apply to all of those species complexes and management groups.

In terms of the options, we always include a status quo. As you all know Option 1, this would mean no changes to the current set up; so annually we would continue to only make changes to the commercial quota possession limit and season dates. Again, an addendum or emergency action would be needed to adjust any of the other measures outlined in the FMP for both the commercial and recreational fishery.

Option 2 would allow the Board to adjust all needed measures through annual specifications. Basically we would in addition to the commercial quota possession limit and season length, the Board could adjust recreational size limits, possession limits, season lengths, area closures for both the recreational and commercial fishery, gear specifications for both fisheries, as well as effort controls. Under this option, the way it would work is that any of those changes that the Board wished to make would happen once a year through specifications. These changes could be made through a motion; and it would not require a public hearing or public comment. It would be at the Board's discretion how and when to take public comment on any of those changes.

They could be submitted before a Board meeting, they could be taken at the Board meeting that these are being considered at. Again, for this option and for Option 3, it doesn't preclude the Board if they wanted to in the future to initiate an addendum to make other changes. Option 3 would allow this Board to adjust measures on an ad hoc basis.

The same list that was included in Option 2 would be allowed to be altered annually at any point in the year. It wouldn't line up with the annual meeting; it could happen basically as new information became available. If we had a new stock assessment and NOAA Fisheries came out with a finding that required changes to their measures; this Board could adjust those measures on an ad hoc basis as needed.

Again, these changes could be made for a motion and it would not require public hearing or public comment; it would be at the discretion of the Board how to receive and consider those. In terms of the public comment period, as I mentioned we had no public comment that were submitted. We held a public hearing webinar in September. We had five attendees; of those five, none offered any public comment.

#### **ADVISORY PANEL REPORT**

MR. ROOTES-MURDY: We also held an Advisory Panel meeting in October. We had three attendees for that; and two of them indicated their preference for Option 3, to be able to adjust measures on an ad hoc basis. The feedback they offered was basically that this seemed to give the Board the most flexibility, the greatest leeway when needed to adjust measures to respond to changes in the status of the resources. With that I will take any questions from the Board, thanks.

CHAIRMAN MILLER: Questions or comments for Kirby. Lewis Gillingham.

MR. LEWIS GILLINGHAM: I'm just wondering, Kirby. Was the Advisory Board advised regarding the state's ability to implement a change time table? I was talking to Chris Batsavage from North Carolina. They've got proclamation authority. Virginia is able to do it in about a 60 day period; going through a normal cycle.

But I think we know from other events that some states require the meeting of their legislature in order to do this. I believe it was for sharks, there was a survey circulated; well how fast can the states implement this. That is my comment. Were they aware of it, because it seemed like the three people were in favor of Option 3 for that reason? It seems like it would give this Board the most flexibility, but I'm not sure that it really does.

CHAIRMAN MILLER: Kirby.

MR. ROOTES-MURDY: Yes so that is a good point to bring up. We did not on the AP call get into the specifics of each of the states' regulatory process; in terms of how they can change their measures. As you point out, each state is a bit different. That is definitely a consideration for the Board; and if you all were to choose say Option 3, how that may possibly impact certain states versus others, in terms of making those changes to certain measures.

CHAIRMAN MILLER: The next hand I saw was Mike Luisi.

MR. MICHAEL LUISI: I am certainly supportive of the flexibility that is offered in Addendum V; in this case. But my question I guess is to you, Kirby. In planning for an upcoming year, you know we do a lot of specifications with the Council and with ASMFC; and typically they are on an annual cycle, where you know that in a given month during a given meeting you're going to be taking up the question as to specifications for a future year.

Option 3 offers the flexibility even outside of that; where you could at any time throughout the year take up the question of specifications. My question I guess to you as staff, Kirby; what would be better for you, as far as planning? Would it be better to know that every time we have at fall or at annual meeting we're going to be doing specifications for coastal sharks?

That way we know it's all there, it's all before us. We can have a date fixed in our mind when we have those rules in place, or would it be better for staff having that ad hoc ability? It really boils down to what makes more sense as far as a planning process for you and the folks at the Commission.

CHAIRMAN MILLER: Kirby.

MR. ROOTES-MURDY: Thanks for the question, Mike. From staff's standpoint, I don't really see this addendum as posing challenges for planning per se. It's really more of an administrative

process change for this Board. It gets to how quickly really does the Board want to be able to change measures; in response to new information, and changes to the status of the resource.

I brought up the shortfin mako assessment as kind of this case example of how we kind of came to the point to this addendum being initiated; and you all considering it today. We had an assessment completed basically late fall last year. NOAA came out with what their Emergency Rule measures were going to be.

In those situations you could have the Board kind of respond very quickly to say we're going to make a decision on accepting those measures; rather than having to each time initiate an addendum. The alternative is if you think it's better to organize all this around one time annually to really consider changes across a number of commercial and recreational specifications. You know there are obviously benefits to that.

CHAIRMAN MILLER: Robert Boyles.

MR. ROBERT H. BOYLES, JR.: Lewis to your point, and I appreciate you bringing up the question. Many times I have sat at this Board or at another species board asking for patience and forbearance; because we do have to regulate via our General Assembly. However, in the case of sharks it is the law of the state of South Carolina that we adopt by reference federal regulatory measures; and so when the Feds change those measures, we adopt immediately. We in this unusual case with sharks don't have to work through our legislative process, so we're able to implement these measures pretty quickly. As a result I like the ad hoc approach as well.

CHAIRMAN MILLER: Any further comments or questions? John Clark.

MR. JOHN CLARK: No Mr. Chair. I was just going to ask if you're ready for a motion.

CHAIRMAN MILLER: Hold that thought for just a second, John. Any further comments or questions before I give the floor to John Clark go ahead, John.

MR. CLARK: I don't mean to be rushing the issue, Roy, but it is lunch time. **Move to adopt draft Addendum V with Management Option 3 as the chosen management option.**

CHAIRMAN MILLER: It will take us a second to get it up on the board. **The motion reads; move to approve Addendum V for Coastal Sharks with Management Option 3 as the chosen management option.** Motion by John Clark; is there a second to the motion, first hand, Justin Davis? Is there any discussion on the motion? Seeing none; are we ready for a vote? Is there a need for a caucus? Toni.

MS. TONI KERNS: Roy, to simplify things since there is only one management option in this document. It would be the intention of this document to be implemented immediately; since there is not anything that the states would need to follow up on, if I am correct, and if I'm wrong then please let us know. But then we could count this as the final approval of the document; and this would be the only vote that we'll need to approve the document, since I don't believe we'll need an implementation date, because it would just be immediate.

CHAIRMAN MILLER: Does everyone understand that because some states have the authority to implement it immediately and others don't. Since there is no implementation criteria for this one it can be done expeditiously. If everyone understands that and there is no further comments. Is there any objection to this motion?

Seeing none; I'll ask are there any null votes, any abstentions? **Seeing none; then the motion passes unanimously by lack of objection.** It goes into effect immediately I guess.

**SET 2019 COASTAL SHARKS SPECIFICATIONS**

Thank you for that and I guess we'll move on to Agenda Item 5; which is 2019 Coastal Sharks Specifications, and again I'll call on Kirby Rootes-Murdy, Kirby.

MR. ROOTES-MURDY: Thank you, Mr. Chair; this will be a short presentation. We have the 2019 commercial specifications for your consideration. They were published in a Proposed Rule back on September 11, FR Notice 45866. We included it in the briefing materials. The big takeaway is that the quotas are effectively status quo from 2018; so there are no changes in the quotas.

The proposed open date for all the shark management groups is January 1, 2019, and it's also status quo on the retention limit. What that means is it's going to start out at 25 large coastal sharks other than sandbars per vessel per trip. They can be adjusted as needed; as we've done in the past few years. The way that that works is that at some point in the summer, usually around July, depending on how the landings are tracking with the quota; that possession limit can be adjusted. Sometimes it gets adjusted down and then back up. These just if you are able to see, these are what the quotas again were in 2018; what we're working under right now, and what will be carried forward for 2019.

We have them broken out for the Atlantic by large coastal sharks, hammerheads, non-blacknose small coastal sharks, blacknose sharks. South of 45 degrees north latitude, smooth hound sharks, and then for the next slide we have all the non-regional quotas, so non-sandbar, large coastal shark research, sandbar research, blue sharks, porbeagles, and pelagic sharks other than porbeagles or blue sharks.

In terms of next steps, what this Board often does is we wait until the Final Rule is published later in the fall. Traditionally what happens is the Board will approve specifications by e-mail vote once the Final Rule is published. That being said, many years we have a motion to accept that that

is how the Board will move forward in approving these specifications following the Board meeting effectively. With that I'll take any questions and thanks.

CHAIRMAN MILLER: Any questions? Seeing none; I guess we can request any other agenda items. Sorry, we'll need a motion to approve the specifications that Kirby just presented. Would anyone care to make that motion? Chris Batsavage.

**MR. CHRIS BATSAVAGE: I move to approve the 2019 coastal shark's specifications via an e-mail vote after NOAA Fisheries publishes the final rule for the 2019 Atlantic Shark Commercial Fishing season.**

CHAIRMAN MILLER: Thank you, Chris. The motion is on the board; move to approve the 2019 coastal shark's specifications via an e-mail vote after NOAA Fisheries publishes the final rule for the 2019 Atlantic Shark Commercial Fishing season. Motion by Mr. Batsavage, second by John Clark, is there any discussion on the motion?

**Seeing none; is there any objection to the motion? Seeing none; I'll assume the motion is approved as read.** Thank you.

**ADJOURNMENT**

On to other business, is there any other business before the Shark Board? Seeing none; are we ready for adjournment? If there is no objection then we'll declare this Board meeting adjourned. Thank you very much.

(Whereupon the meeting adjourned at 12:05 o'clock p.m. on October 23, 2018)