

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

The Westin Alexandria
Alexandria, Virginia
August 2, 2016

Approved October 24, 2016

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of May 2016 by consent** (Page 1).
3. **Move to approve Addendum IV with the following option: Issue 1, Option B, which would establish a catch composition requirement for the commercial processing of smooth dogfish at sea** (Page 5). Motion by Brandon Muffley; second by Emerson Hasbrouck. Motion carried (Page 7).
4. **Move to approve Addendum IV, with an implementation date of January 1, 2017, with the options selected here today** (Page 7). Motion by Brandon Muffley; second by Wilson Laney. Motion carried (Page 9). (Roll Call Vote: In favor – ME, MA, NY, NJ, DE, SC, GA, FL, USFWS, NMFS; Opposed – RI, CT, MD, VA, NC).
5. **Move to approve the FMP Review and compliance reports submitted** (Page 9). Motion by Bill Adler; second by Steve Heins. Motion carried (Page 9).
6. **Move to approve Katie Westfall as a member of the Coastal Sharks Advisory Panel** (Page 10). Motion by Robert Boyles; second by Stewart Michels. Motion carried (Page 10).
7. **Move to nominate Roy Miller as vice chair of Coastal Sharks Management Board** (Page 10). Motion by Stewart Michels; second by Mike Luisi. Motion carried (Page 10).
8. **Motion to adjourn** by consent (Page 10).

ATTENDANCE

Board Members

Rep. Jeffrey Pierce, ME, proxy for Sen. Langley (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)
Dan McKiernan, MA, proxy for D. Pierce (AA)
Bill Adler, MA (GA)
Jason McNamee, RI, proxy for J. Coit (AA)
Dave Simpson, CT (AA)
Rep. Craig Miner, CT (LA)
Rep. Melissa Ziobron, CT, Legislative proxy
Steve Heins, NY, proxy for J. Gilmore (AA)
Emerson Hasbrouck, NY (GA)
Brandon Muffley, NJ, proxy for D. Chanda (AA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)
Craig Pugh, DE, proxy for Rep. Carson (LA)
Stewart Michels, DE, proxy for D. Saveikis (AA)

Roy Miller, DE (GA)
David Blazer, MD (AA)
Rachel Dean, MD (GA)
John Bull, VA (AA)
Rob O'Reilly, VA, Administrative proxy
Kyle Schick, VA, proxy for Sen. Stuart (LA)
Cathy Davenport, VA (GA)
Michelle Duval, NC, proxy for B. Davis (AA)
Jerry Schill, NC, proxy for Rep. Steinburg (LA)
Robert Boyles, Jr., SC (AA)
Malcolm Rhodes, SC (GA)
Pat Geer, GA, proxy for Rep. Nimmer (LA)
Spud Woodward, GA (AA)
James Estes, FL, proxy for J. McCawley (AA)
Wilson Laney, USFWS
Karyl Brewster-Geisz, NMFS

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

Ex-Officio Members

Lewis Gillingham, Advisory Panel Chair

Staff

Robert Beal
Toni Kerns
Shanna Madsen

Ashton Harp
Amy Hirrlinger
Mark Robson

Guests

Loren Lustig, PA
Tom Moore, PA
Jacob Kasper, U Conn
John Clark, DE DFW
Mike Luisi, MD DNR
Bob Ballou, RI DEM

Peter Aarrestad, CT DEEP
Justin Davis, CT DEEP
Colleen Giannini, CT DEEP
Joseph Gordon, PEW
Arnold Leo, E. Hampton, NY
Shaun Gehan, DC

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, August 2, 2016 and was called to order at 4:33 o'clock p.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: I would like to welcome everyone to the Coastal Sharks Management Board. I am Adam Nowalsky; and I'm joined by staff Ashton Harp.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: We'll begin with board approval of the agenda. There is one item that I know of that we'll add under other business, regarding an announcement from HMS on black-nosed sharks.

Are there any other additions or changes to the agenda? Is there any objection to the acceptance of the agenda with that addition? Seeing none; the agenda is approved, as modified.

APPROVAL OF PROCEEDINGS

CHAIRMAN NOWALSKY: Next item of business is the approval of proceedings from the last board meeting; any comment or discussion on this, any objection to the acceptance of those? Seeing none; those proceedings are hereby accepted.

PUBLIC COMMENT

CHAIRMAN NOWALSKY: Next order of business is public comment for any items that are not on the agenda. Is there any member of the public that would like to comment on an item not on the agenda? Seeing none, we'll continue along.

DRAFT ADDENDUM IV

CHAIRMAN NOWALSKY: Our next order of business today will be decision on Draft Addendum IV, and I'll turn to Ashton to begin that presentation.

MS. ASHTON HARP: I'm going to review the public comment summary for Draft Addendum IV to the Coastal Sharks Interstate Fisheries Management Plan. I am going to start with the timeline. This addendum was initiated at the February, 2016 meeting. The Draft Addendum was developed and approved at the May meeting, and then public comment and public hearings took place from June to July.

I'm going to present the public comment summary today, and then the board can choose to move forward with Addendum IV or not.

OVERVIEW OF AMENDMENT 9 TO THE HIGHLY MIGRATORY SPECIES FMP

MS. HARP: I am providing here an overview of Amendment 9 to the Highly Migratory Species FMP. I am presenting this because there was some confusion during the public hearings on why the board chose certain measures and what the board was moving forward with.

Basically, what the board was picking from the HMS Amendment 9 to move forward with. I'm going to start at the bottom. In yellow are measures that were included in Amendment 9 that the board is not going to consider, and those include a federal commercial smoothhound shark permit, a recreational permit requirement, a modified VMS requirement and observer requirements. I should also note that Amendment 9 is specific to smooth dogfish as is Draft Addendum IV. All these measures are specific to smooth dogfish. In green, what the board has already considered. The board has considered a federal commercial shark dealer permit. This was in Amendment 9. The board has already passed that. That was in the Coastal Sharks Fisheries Management Plan, so there is no need to consider that again. The board has already considered smoothhound shark quotas. These were put in place via Addendum II, so the board doesn't need to consider those again.

There was also sink and drift gillnet requirements in Amendment 9 that the board had previously considered. They were in the

original FMP, and then they were taken out via Addendum I. The board is not considering those again. What the board is considering is the blue box at the top is a 25 percent catch composition requirement to remove the fins of smooth dogfish at sea.

That is the basis of Draft Addendum IV that I'm presenting today. A quick overview of the Shark Conservation Act of 2010; within it, there is a limited exception on the fins naturally attached policy. It allows an individual engaged in commercial fishing to remove the fins of smooth dogfish while at sea, provided certain requirements are met. One would have to possess a state commercial fishing license that allows for them to fish for smooth dogfish.

The vessel has to be located between a shore in 50 nautical miles of an Atlantic state, and their fin-to-carcass ratio cannot exceed 12 percent. Now the Shark Conservation Act interpretation, with the final ruling for Amendment 9, HMS basically interpreted the Shark Conservation Act and specifically, the phrase within the Shark Conservation Act; commercial fishing for smooth dogfish to mean, a trip where smooth dogfish comprise at least 25 percent by weight of the total retained catch onboard at the time of landing.

One would need to have at least 25 percent of smooth dogfish onboard in order to remove the fins at sea. One could say that basically this addendum is kind of the commission's interpretation of the Shark Conservation Act. The management options that were taken to public comment include -- it's very cut and dried -- it is Option A; status quo.

A commercial fisherman that is fishing for smooth dogfish right now can completely process smooth dogfish at sea; meaning the fish may be headed, gutted, and all fins removed year round; there are no restrictions. Option B would be a commercial fisherman may remove smooth dogfish shark fins while at sea, provided smooth dogfish make up at least 25 percent by

weight of total catch onboard at the time of landing.

PUBLIC COMMENT SUMMARY

MS. ASHTON HARP: With that, I'll go through the public comment summary. Those are the options that were presented to the public. For public hearings, there were five scheduled public hearings. Three of them had attendance, so two of them in Connecticut and New Jersey were held, but no attendance were there.

The one in New York had a NOAA Fisheries attendee, and then in Maryland and North Carolina, there were commercial harvesters that presented public comment. For the written comment, the majority of the written comments were actually from the public. As you can see, there were three harvester comments from North Carolina, and there were four organizations that provided public comment as well; so it was a total of 15 written comments, which I will review now.

The written comment summary. As I said, there were about 15 public and commercial harvesters that presented comments. For Option A, status quo, the three commercial harvesters from North Carolina were in favor of Option A, the status quo. There was nobody who submitted a written comment who was in favor of Option B, which is the 25 percent catch composition requirement. The majority of people were in favor of an option actually not presented in Draft Addendum IV. They would like to require all smooth dogfish to be landed with fins naturally attached, regardless of a catch composition requirement.

In just kind of digging into what do they specifically say; those people that were in favor of Option A or the non-option. For three comments in favor of status quo, they said they wanted to provide the best quality product; which entails processing the shark immediately. They said that processing smooth dogfish is a very time intensive endeavor, and one could

not afford to discard in the event that the catch composition requirement is not met.

They also said the alternative in their view does not provide a conservation benefit. The 12 comments that were in favor of a fins naturally attached policy for smooth dogfish said that as long as there is a market for shark fins, then finning is a possibility; therefore, a fins naturally attached policy is the simplest, most enforceable method for preventing shark finning.

Moving on to the public hearing summary. As I mentioned, there were eight commercial harvesters from New Jersey and North Carolina that provided comment, all were in favor of status quo. Some of the comments that they provided were discarding processed fish will negatively affect the fishermen and the resource.

That smooth dogfish is sold primarily as a meat product; therefore, keeping the fins naturally attached will affect the quality. They were concerned that the at-sea weight estimates that they were doing may result in not meeting the catch composition requirement, and they might have subsequent penalties because of these estimates.

When they are at sea doing estimates, they are not sure if actually, indeed, they would meet it so, when they go to shore and are actually weighed, they could be off a little bit. They also said that it could impose safety concerns if fishermen have to continue to set nets to reach the catch composition requirement. Some viewed the alternative as not providing the conservation benefit for the resource. It was a really quick presentation. With that, I will take questions on the public comment summary provided.

CHAIRMAN NOWALSKY: Before we go to that, with her indulgence, I just wanted to turn to Karyl from HMS for a little bit more description. If we can go back to the slide about the interpretation of that 25 percent, and SCA

defining a smooth nose shark commercial fishery; and perhaps you could add some context to that with regard to that interpretation.

MS. KARYL BREWSTER-GEISZ: When we took a look at the Shark Conservation Act, we took a very literal meaning. We looked through all the words, all the phrases, and we came across this phrase; commercial fishing for smooth dogfish. We interpreted that not to mean going commercial fishing and happening to catch one smooth dogfish or two smooth dogfish. You were commercial fishing for smooth dogfish.

We had looked at a variety of range-of-catch composition for this, ranging from 0 to 100 percent. At our draft stage we actually proposed 75 percent. We received a number of comments indicating that 75 percent was too much and would actually increase discards; because people wouldn't know until the end of the trip whether or not they had met the 75, so they would start removing the fins and then have to discard the smooth dogfish or decide to discard other fish. Looking at the data and looking at the economic impact, we actually decided to go with 25 percent. Twenty-five percent was actually supported by the state of New Jersey, in their comments to us. There were some states such as Maryland and Georgia who wanted to follow the ASMFC regulations.

North Carolina did not support 75 percent, but did not specifically come out in support of 25 percent either. Then there are other states such as Virginia, Florida and Delaware who provided comments to us that they didn't have any preference on the catch composition at that time. That's a little bit of the context. We were looking specifically at that phrase of commercial fishing for smooth dogfish; meaning that you were fishing for smooth dogfish.

CHAIRMAN NOWALSKY: With that backdrop, I'll turn to the board for questions of Ashton on the presentation, or anything regarding this element of this being a definition for

commercial fishing with this 25 percent requirement.

MR. WILLIAM ADLER: It sounds like what we're trying to do here, according to the statement of the problem, is consistency with the federal and state FMPs. Now apparently, the status quo that we have in our plan, basically, just says you can fin them, and the Option B, the 25 percent thing, is that what the Feds have; and are we trying to get on the same page with the Feds at 25? Is that what we're trying to do here?

MS. HARP: We're presenting the option that would allow the ASMFC to yes, have a complementary management as the federal government, yes.

MR. ADLER: If I may, Mr. Chairman, and which is that, the status quo or the Option B?

CHAIRMAN NOWALSKY: Option B, the 25 percent.

MR. ADLER: Okay Option B puts us in the same ballpark with the federal rules; that's our problem.

CHAIRMAN NOWALSKY: That is correct. Next, I had Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: Thank you Ashton for your presentation. As you recall, at the New York public hearing, the issue came up that since smooth dogfish are now being managed by HMS that the federal regulations would extend into state waters, anyhow. Were you able to resolve that issue?

CHAIRMAN NOWALSKY: We're going to pull up a slide for that; just a moment, Emerson.

MS. HARP: I created this slide as a result of the New York public hearing, to kind of say that these are all the different regulations that were in Amendment 9, and the one that the board chose to move forward with as a possible alternative is the one in blue. If their vessel has

a federal permit then the federal guidelines apply in state waters. The permit goes with the vessel, whether it is in state waters or in federal waters. But no, all of Amendment 9 does not automatically apply in state waters. It would have to be approved by this board.

CHAIRMAN NOWALSKY: Any other questions on the presentation on the addendum before we move on to the Advisory Panel report? Okay, seeing none; Lew.

ADVISORY PANEL REPORT

MR. LEWIS GILLINGHAM: This is going to be brief once Ashton pulls up the slide. We had four people in attendance on this telephone call. We did get an e-mail prior to the call from one of the members that were unable to be there. One participant was in favor of a fins naturally attached policy, and you saw that in the majority of the public comments.

But this is not Option A or Option B. One AP member, via the e-mail, who is a commercial shark fisherman, was in favor of the 25 percent catch composition, and two participants did not provide comments on the issue. I'm one of those two participants. I see this as virtually a non-issue, which is probably why you had so little input. With that, I'm not going to take up any more of your time. If you have any questions, I'll be happy to answer.

CHAIRMAN NOWALSKY: Any questions? Seeing none; we'll move on to Mark Robson with the Law Enforcement Committee report.

LAW ENFORCEMENT COMMITTEE REPORT

MR. MARK ROBSON: The Law Enforcement Committee had a teleconference call on July 8. We provided you a written memo dated July 7 in your package summarizing the discussions and recommendations of the Law Enforcement Committee. In a nutshell, we do support and recommend Option B, which would allow the at-sea fin removal for smooth dogfish.

The LEC makes this recommendation really in support of the need for consistency wherever possible, between state and federal waters. That is the overriding concern here. Having said that, there was a good bit of discussion about the difficulties of catch inspections for these fisheries and in particular, for shark identification, but the LEC members also recognized that smooth dogfish does possess enough unique physical characteristics that would allow it to be distinguished with some training by the officers, who are making these inspections of catch.

I would note also that there are opportunities for such training. I know NOAA provides, I think, quarterly workshops for shark identification that state and federal officers are able to take advantage of. The only other caveat again, sort of continuing on that theme of the difficulty of catch inspection and shark identification. We do want to reemphasize how difficult this can be, in terms of managing a routine inspection, either on the water or at the dock.

You are now talking about a fairly complicated and significantly involved inspection process, not only identifying the species, among mixed species catch, but in determining whether there is the right percentage of smooth dogfish fins relative to carcass weight, and now the determination that at least 25 percent of the catch is made up of smooth dogfish in order for it to qualify for the at-sea fin removal. While these are not unenforceable issues, I think you can all recognize how difficult those multiple levels of inspection and check of catch can be.

It does require significant marshalling of resources. It is not something that is one casually by officers; either on the water or in the field, at the docks. It is something that they do have to kind of marshal resources to be able to do that and make sure that they're getting the data and information collected correctly; and that they're making a good solid case, if there is one to be made. That concludes my comments, Mr. Chairman.

CONSIDER FINAL APPROVAL OF ADDENDUM IV

CHAIRMAN NOWALSKY: Questions for Mark? Okay, seeing none; that brings the issue back to the board for potential action. What we would need to move forward with, assuming the board wants to take action, would be to select an option and then approve the addendum, if that is the will of the board; and then the last step would be to set a timeline for implementation. I see a hand up, two hands up; we'll start with Brandon and then go to Michelle.

MR. BRANDON MUFFLEY: **I would like to make a motion, and I'll speak to it if I get a second. I would like to move to adopt Option B, which would establish a catch composition requirement for the commercial processing of smooth dogfish at sea.**

CHAIRMAN NOWALSKY: Give us a moment to get that up and then we'll ask for a second. Do you want the 25 percent specifically outlined here, or is that sufficient, Brandon?

MR. MUFFLEY: I don't think it has to be. I think it's implied. But since that's what it says in the addendum itself.

CHAIRMAN NOWALSKY: Very good, do we have a second. Okay, Emerson Hasbrouck seconded the motion. The motion before the board is move to approve Addendum IV with the following option, Issue 1, Option B. Motion by Mr. Muffley, seconded by Mr. Hasbrouck, I'll allow Brandon the opportunity to speak then go to Michelle, then I'll go for or against the motion.

MR. MUFFLEY: As we talked about, this is for a fishery that is targeting smooth dogfish, so the ability to reach 25 percent should not be an issue. I think we need consistency and we have strived to have as much consistency between what we're doing in state waters with what we are with federal waters across all shark species, so I don't know why we wouldn't achieve for consistency in this particular issue.

I also think we need to think about protected species issues. This fishery is primarily prosecuted with gillnets, and I think we need to be cognizant of those protected species issues. I think, going by this and having consistency across the board, will minimize those issues within state waters. I think it's the right approach. Thanks.

CHAIRMAN NOWALSKY: Let me go to Michelle, since she had her hand up.

DR. MICHELLE DUVAL: I am actually going to speak in opposition to the motion. I was actually prepared to make a motion for status quo for a number of reasons. It was noted earlier that North Carolina was not supportive of an interpretation of the statutory language to require any kind of catch composition threshold.

We have a lot of concern that this isn't actually going to achieve any conservation benefit for a number of reasons. The majority of the harvest of these fish occurs in state waters, and in our state the majority of that state waters harvest actually occurs south of Hatteras. Based on the information that was used to determine this catch threshold, most of the fishermen in that area would not have a northeast permit necessarily, so they wouldn't be submitting VTR reports.

The lack of information from any logbooks collected in the southeast concerned us. Additionally, this is a meat fishery. The quality of the meat depends on being able to process the fish immediately, and our concern is that this is either going to increase dead discards or increase targeting in order to achieve some 25 percent threshold; simply due to the fact that this is really a mixed bag type of fishery for the majority of our fishermen. The majority of folks are actually south of Hatteras. These fishermen are targeting Spanish mackerel and sea mullet, and so they are not necessarily going to have federal permits for other species anyway.

Again, we just see this as actually increasing dead discards. You have to make a decision when you bring that fish onboard if you're going to be throwing it back or harvesting it right away, and if you choose to process it then you might be in a position of having to throw dead fish overboard; and we just simply can't support that. So I cannot support this motion.

CHAIRMAN NOWALSKY: Can I have a show of hands of other people that would like to speak. I've got Jerry, Mike.

MR. JERRY SCHILL: Jerry Schill; I'm a proxy for Representative Steinburg, North Carolina. Michelle already articulated North Carolina perspective from a technical standpoint. The idea of consistency can be looked at another way. What is wrong with the state's being leaders and the Fed's doing what the states decide to do?

That's certainly from the bottom up rather than the top down. But I think that the states need to stand up for this and indicate that the best way to manage this fishery is the status quo. We are very aware of the issue of gillnets and protective species in North Carolina, and I really don't see the element of protection this adds to protected species by adding a 25 percent threshold. I think it is a moot point.

CHAIRMAN NOWALSKY: Mike, were you going to speak in favor or against the motion? Against the motion, okay, let me see if I can find someone in favor of the motion first. Karyl, did you want to speak in favor, or did you just have something to add from the HMS perspective?

MS. BREWSTER-GEISZ: I wanted to respond a little bit to that. My understanding of the coastal shark FMP for this board was that it should be to strive toward consistency with the Federal FMP. In relation to Mr. Schill's comment about being driven by the state regulations, we are completely aware that the states do not have to be consistent with our regulations.

We, however, do have the federal statutes that we do have to be consistent with, so we cannot always be consistent and go the other way and be consistent with the states. I keep having a thought that keeps going away. I will ask to come back to that.

CHAIRMAN NOWALSKY: Okay, next I'll go to Mike.

MR. MICHAEL LUISI: I often sit here and speak in favor of consistency. I think striving for that consistency is something that I'll continue to support on future issues. However, I share a lot of the same concerns that Michelle does regarding the type of fishery that operates in our state waters in Maryland; in that adding additional burden to non-federal permit holders who are commercially fishing and catch smooth dogfish, is going to lead to regulatory discards.

There is no doubt in my mind that fishermen who would normally have brought those fish home are just going to let them go dead or alive, in fear that they will not be able to at the dock comply with the measure. Back to the consistency issue with the federal government, I would say that the slide that was shown earlier in the presentation by Ashton, which addressed the yellow, the green and the blue issues that are part of the amendment, and haven't been considered by the states. There were the sink gillnets, and I don't remember the details of it, but there was another condition of the amendment which the states have said, it is not something that we want to take on, so I'm not going to support the motion as it stands.

CHAIRMAN NOWALSKY: Do we have anyone else from the board who would like to speak on the motion? Go back to Karyl again.

MS. BREWSTER-GEISZ: I remembered the thought that was in my head before. It had to do with the consistency in relation to enforcement. We have had a number of comments, discussion with enforcement, discussion with states; e-mails back and forth with fishermen who are already very confused

about when they need to comply with the federal regulation of the 25 percent, and when they need to comply with the ASMFC.

It has been mentioned by several board members if they have the HMS permit they need to comply with the federal. That is correct, but it is beyond just the HMS smoothhound permit, it is any HMS permit; and a lot of these fishermen might have the HMS angling permit. If they do, they need to comply with the federal regulations; and that includes the 25 percent.

It is not just whether or not you have the federal smoothhound permit, it is any HMS permit. That is why we think consistency in this case is so important, because we've already seen increasing confusion between the two regulations.

CHAIRMAN NOWALSKY: Okay, do I have any other hands? Seeing none; I'm going to allow a moment for the board to caucus. **Okay, the motion before the board, move to approve Addendum IV with the following option, Issue 1, Option B; motion by Mr. Muffley, seconded by Mr. Hasbrouck. All those in favor of the motion, please raise your right hand. Okay, please, put your hands down. All those opposed please raise your right hand. I have six opposed, null votes, abstentions; 1 abstention, motion carries, 7 to 6 with one abstention.**

Okay, so the next matter of business would be to go ahead and put an implementation date in place before we approve the addendum. Well, let's do the implementation data first. I'll need a motion for that. I'll need a motion then to approve the addendum together, can we combine those two? We can combine those two, and then just before we call the final vote, I'll ask if there is any other public comment on this matter. I would be looking for a motion at this point for an implementation date and approval of the addendum.

CHAIRMAN NOWALSKY: Okay, I've got my pair of binoculars out, and I found Brandon with his hand up.

MR. MUFFLEY: I'll throw out a date and we can certainly take comment on it. I'll throw out January 1st of 2017 as an implementation date, and then approval of Addendum IV to the Coastal Sharks FMP.

CHAIRMAN NOWALSKY: **Okay, move to set an implementation date of January 1st, 2018 and approve Addendum IV with the option selected here today.** Is there a second to that motion? I'm going to need a stronger pair of binoculars. Got one from Wilson Laney, thank you Wilson, we'll get that up on the board. Go ahead, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a question of clarification. Maybe I heard wrong, but I think Brandon said 2017, and I think you said 2018. But maybe I was only halfway paying attention.

CHAIRMAN NOWALSKY: Brandon, is January 1st, 2017 the intention?

MR. MUFFLEY: Seventeen, yes.

CHAIRMAN NOWALSKY: Thank you for that clarification. Okay, I'll turn to the board for discussion; any further discussion on the motion? Is there any member of the public that would like to comment on the motion before we take final action on it? Okay, seeing none, given that this is a final action and noting discussion about some no votes to the original motion, we're going to call a roll call vote on this. We'll give you a couple moments to caucus, and then we'll call that roll. Okay, we'll go ahead and call the roll and I'll ask Ashton to do that.

MS. HARP: Maine.

REPRESENTATIVE JEFFREY PIERCE: Aye.

MS. HARP: Massachusetts.

MR. ADLER: Yes.

MS. HARP: Rhode Island.

MR. BALLOU: No.

MS. HARP: Connecticut.

MS. MELISSA ZIOBRON: No.

MS. HARP: New York.

MR. STEVE HEINS: Yes.

MS. HARP: New Jersey.

MR. MUFFLEY: Yes.

MS. HARP: Delaware.

MR. STEWART MICHELS: Yes.

MS. HARP: Maryland.

MR. LUISI: No.

MS. HARP: Virginia.

MR. O'REILLY: No.

MS. HARP: North Carolina.

DR. DUVAL: No.

MS. HARP: South Carolina.

MR. ROBERT BOYLES: Yes.

MS. HARP: Georgia.

MR. PAT GEER: Yes.

MS. HARP: Florida.

MR. JIM ESTES: Yes.

MS. HARP: U.S. Fish and Wildlife Service.

DR. WILSON LANEY: Yes.

MS. HARP: NOAA Fisheries.

MS. BREWSTER-GEISZ: Yes.

CHAIRMAN NOWALSKY: Okay, give us just a moment with the abacus. **Motion carries with a vote of 10 to 5.** Does staff have anything else on this issue? Okay, seeing none; we'll move on to the next agenda item, which is Consider the 2015 FMP Review and State Compliance. Ashton.

CONSIDER THE 2015 FMP REVIEW AND STATE COMPLIANCE

MS. HARP: I'm going to go through this fairly quickly. Moving on to the next slide, so this is the Coastal Sharks 2015 FMP Review, very quickly this is looking at the fisheries management plan, which was implemented in 2009 Addendum I, II, and III, and the focus of this FMP review was to review state implementation of Addendum III.

A quick timeline, so Addendum III was approved in October, 2013, state plans were reviewed and February, 2014 implemented in March of 2014; and we're not reviewing compliance of Addendum III. Very quickly, the elements of compliance, so states were required to create the following species management groups. I won't list them, but you can see them on here. There are eight commercial management groups that had to be put into state regulations.

There was also a regulation to apply a minimum recreational size limit of 78 inches for all hammerhead shark species, so it was two regulations; fairly simple. The board did approve a de minimis request from Maine and New Hampshire, which exempted those states from Addendum III. With all of that the PRT reviewed the state compliance reports and found all states to have regulations that are consistent with the FMP and associated addenda with one exception. Connecticut did not provide a compliance report prior to the

FMP meeting, nor was it prior to when the FMP review was finalized.

The PRT still needs to review Connecticut's compliance report, to ensure those measures are consistent with the FMP. The board will be notified if any issues arise. But with that being said, the PRT would recommend that the board approve the 2015 Coastal Sharks FMP review at today's board meeting. The FMP review can be updated if necessary; any questions?

CHAIRMAN NOWALSKY: Any questions for Ashton? Bill Adler.

MR. ADLER: No, Mr. Chairman, I was prepared to make a motion.

CHAIRMAN NOWALSKY: Please do so.

MR. ADLER: I make a motion that the board approve the FMP review and compliance report submitted.

CHAIRMAN NOWALSKY: Is there a second to that motion, Steve Heins. Okay, motion to approve the FMP review and compliance reports, as submitted. Motion by Bill Adler; second by Steve Heins, any discussion on the motion, is there any objection to the motion? **Seeing none; the motion carries.**

The next order of business, review and populate the AP membership. We'll turn to Tina for that.

POPULATE THE COASTAL SHARK ADVISORY PANEL MEMBERSHIP

MS. TINA L. BERGER: I will be very quick. We received an application from Katie Westfall with the Environmental Defense Fund, Kim Fitzgerald, who is also with that organization, is no longer able to participate on the panel; and he suggested that Katie Westfall would be a good replacement.

He was appointed to the panel a number of years ago as a nontraditional stakeholder. I put that nomination before you for your approval.

As a second before you move forward with that I also wanted to note that we've had very poor participation on the Coastal Sharks AP since its inception, and would request that board members review their advisory panel members and replace them if possible.

CHAIRMAN NOWALSKY: We would need a motion to approve that AP member. Robert, are you making that motion?

MR. ROBERT BOYLES: **Yes sir, Mr. Chairman, I move to approve Katie Westfall as a member of the Coastal Sharks Advisory Panel.**

CHAIRMAN NOWALSKY: Thank you very much, do I have a second to that motion? Seconded by Stew Michels, discussion on the motion; any objection to the motion? **Seeing none; motion carries by consent.**

ELECTION OF VICE-CHAIR

CHAIRMAN NOWALSKY: Okay our next order of business is to elect a Vice-Chair. I see Stew Michels hand going up, Stew.

MR. MICHELS: **I would like to nominate Roy Miller as Vice-Chair.**

CHAIRMAN NOWALSKY: I have a nomination for Roy, seconded by Mike Luisi; any comments on the motion? Move to nominate Roy Miller as Vice-Chair, Coastal Shark Management Board; motion by Stew Michels, seconded by Mike Luisi. **Is there any objection to the motion? Seeing none; congratulations and thank you, Roy.** I believe that will be for the February meeting, or will that be for the annual meeting?

EXECUTIVE DIRECTOR BEAL: February.

OTHER BUSINESS

CHAIRMAN NOWALSKY: Okay, thank you. Our next order of business under other business is an announcement from HMS on blacknose sharks, Karyl.

HIGHLY MIGRATORY SPECIES ANNOUNCEMENT ON BLACKNOSE SHARKS

MS. BREWSTER-GEISZ: I just wanted to announce that we have a new proposed rule out, it filed with the Federal Register today and it publishes tomorrow. This proposed rule would affect any gillnet fishermen south of 34 degrees. We're basically proposing that the retention limit for blacknose sharks south of 34 degrees would be eight blacknose sharks per trip.

This is our attempt, in order to keep the blacknose and non-small-coastal shark fishery open as long as possible, so the non-small coastal shark quota can be filled. In recent years it has not been filled, and that fishery has been closing earlier and earlier as few fishermen have been targeting blacknose sharks.

The comment period on this will end on September 20th, and we have a webinar scheduled for August 16th, a public hearing in Cocoa Beach, Florida scheduled for August 24th. We'll be talking about it at our advisory panel meeting in September, and we'll also be talking about it at the South Atlantic Fishery Management Council meeting in September.

ADJOURNMENT

CHAIRMAN NOWALSKY: Any questions or discussion on that? Okay, seeing none; having completed the business of the agenda, we stand adjourned. Thank you all very much.

(Whereupon the meeting adjourned at 5:16 o'clock p.m. on August 2, 2016.)