

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

Hilton Mystic
Mystic, Connecticut
October 30, 2014

Approved October 4, 2015

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*** ATTENDANCE**

Board Members

Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Tom O'Connell, MD (AA)
David Pierce, MA, proxy for P. Diodati (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Bob Ballou, RI (AA)	Roy Miller, DE (GA)
Rick Bellavance, RI, proxy for Sen. Sosnowski (LA)	Tom O'Connell, MD (AA)
Lance Stewart, CT (GA)	Bill Goldsborough, MD (GA)
James Gilmore, NY (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Emerson Hasbrouck, NY (GA)	Louis Daniel, NC (AA)
Tony Rios, NY, proxy for Sen. Boyle (LA)	Robert Boyles, Jr., SC (AA)
Tom Baum, NJ, proxy for D. Chanda (AA)	Malcolm Rhodes, SC (GA)
Adam Nowalsky, NJ, proxy for Asm. Sgt. Andrzejczak (LA)	Spud Woodward, GA (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Pat Geer, GA, proxy for Rep. Burns (LA)
Roy Miller, DE (GA)	James Estes, FL, proxy for J. McCawley (AA)
	Sherry White, USFWS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Marin Hawk

Guests

*** Sign-In Sheet not distributed to section of table attended by SC, GA & FL Commissioners and guest section**

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Grand Ballroom of The Mystic Hilton, Mystic, Connecticut, October 30, 2014, and was called to order at 11:50 o'clock a.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: I would like to welcome everyone to the inaugural meeting of the Coastal Sharks Management Board Meeting. I am Adam Nowalsky. I was the vice-chair of the Spiny Dogfish Board; and when the board split, I became chair of this board. One of the action items today will be to elect a vice-chair.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Moving forward, let's begin with approval of the agenda. Are there any changes or additions to the agenda as written? Seeing none; is there any objection to approving the agenda? Seeing none; the agenda is approved.

PROCEEDINGS

CHAIRMAN NOWALSKY: There are no Proceedings to review since this board has not formally met before; so that is not an item on our agenda.

PUBLIC COMMENT

Moving on, we'll turn to the public for any comment for items that are not on the agenda. Is there anyone in the public who would like to comment on an item not on the agenda? Seeing none, we will continue moving forward. Our next action item will be to set the 2015 coastal shark specifications; and we will turn to a presentation now.

SET 2015 COASTAL SHARK SPECIFICATIONS

MS. MARIN HAWK: Our technical committee chair couldn't make it; so I will be giving the presentation. This is the coastal sharks' specifications for 2015; and it is a very brief presentation. As you know, the board follows

NOAA Fisheries for openings and closures as well as quotas. The board may specify a trip limit for the large coastal sharks, small coastal sharks, pelagic, hammerhead and blacknose shark groups.

NOAA Fisheries has proposed a rule that suggests that the trip limit may change during the season; and the current trip limit is 36. These are the proposed opening dates for the different coastal shark groups.

The technical committee has reviewed the proposed specifications from NOAA Fisheries. Their only concern with the proposed specifications for 2015 is the continued quota linkage between the blacknose and the non-blacknose small coastal sharks because it continues to hinder shark fishing opportunities. When the blacknose closes, it forces a closure of the small coastals. With that; that concludes my presentation.

CHAIRMAN NOWALSKY: Questions about the presentation? Rob.

MR. ROB O'REILLY: I think at a previous meeting where we were already started with the 2014 timing of the openings, Louis Daniel had made a motion for July 1. That was talked about around the board and pretty much accepted; so I'm wondering what about the June 1 we see now?

DR. LOUIS B. DANIEL, III: I don't know why it says June 1 because we had all agreed last year that July 15th provides us with the access that we need. I know that they had done some work trying to – NOAA Fisheries had done some work to try to make there be parity with the southern areas, particularly off of Florida. If it would be appropriate, I would like to make a motion that we support a proposed opening date of July 15th to move forward in perpetuity.

CHAIRMAN NOWALSKY: Well, we certainly are going to need a motion moving forward here today. It certainly brings up the issue of the inconsistency with the federal regulations; but it is at the board's discretion how to proceed and whether they want to accept the implications of those inconsistencies. Would there be any

discussion that we could hear from the Service about such implications? Karyl.

MS. KARYL K. BREWSTER-GEISZ: We went with the June 1, which is the same as what right now. We opened June 1 this past year. The fishery is still open. It looks like it may continue to be open for the rest of the year. We did receive a comment from this board during the comment period, which closed a couple weeks ago requesting an opening date of July 1. We are considering that as part of the comment; but just to note that if we not open until July 1 and this year we remain open until December 31st, then it is possible that next year with the July 1 you will not fully harvest the quota.

CHAIRMAN NOWALSKY: Let me turn to Marin for a minute for a clarification.

MS. HAWK: Louis, the ability to set multiyear specifications is not in the document. It is on an annual basis; so the “in perpetuity” part of that you might want to modify.

CHAIRMAN NOWALSKY: Rob, I saw you with your hand raised again.

MR. O'REILLY: I think July 15th would be wonderful since Virginia is closed up until that date; but I have to say last time around – I think it was the spring meeting of 2014 when this came up; but I had been talking about July 1, frankly. Certainly, I understand the comments that Karyl just proposed; but some of the history shows that there has been an exclusion in the Mid-Atlantic a little bit in the past. That may not be occurring now; that may not occur in 2015; but certainly the track record says it can happen. That was why the July 1 was mentioned a year ago May, I think.

CHAIRMAN NOWALSKY: Jim, I saw you had your hand up; do you still have a comment you'd like to make or a question? Well, we're at the point here where it is at the discretion of the board how they would like to proceed. We do need a motion to move forward; a motion either for regulations in kind or something different. Louis.

DR. DANIEL: I make a make a motion for July 1; opening date of July 1 for the large coastal sharks.

CHAIRMAN NOWALSKY: Okay, we have a motion that we're going to have a second from Mr. O'Reilly. I'll read that as move to open the large coastal sharks' fishery on July 1, 2015. Motion by Dr. Daniel and seconded by Mr. O'Reilly. Is that correct, Louis?

DR. DANIEL: Yes, sir.

CHAIRMAN NOWALSKY: All right, and I'll turn to you for comment.

DR. DANIEL: Well, just echoing what Rob said and the potential – you know, we're closed still and I know we're going to talk about that I think in six and nine, the closure off of North Carolina. I believe that is in there. That could give some more flexibility down the road when North Carolina and Virginia; they have more flexibility in when they can open their fishery.

There is the potential of a lot of quota being caught in June. I'm glad to hear that we're looking good right now; but the other option, if we have quota left over, that goes to the resource; and so that's probably not a bad move either. I would urge everyone to support the July 1 opening for parity and not be too worried about leaving some of these sharks on the table if that is what happens.

CHAIRMAN NOWALSKY: Are there any additional comments about the motion? Seeing none; I'll give a moment to caucus and then we will vote.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: All right, we have the motion before us to move to open the large coastal sharks' fishery on July 1, 2015. All those in favor please raise your hand. All right, despite some earlier conversation, we're now going to do this with a roll call as a final action. All right, seeing that from the show of hands that it was not unanimous at the time, we will go ahead and do the roll call vote on this; so I will

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ask Marin to go ahead and call the roll at this point.

MS. HAWK: Maine. (No response)
Massachusetts.

MASSACHUSETTS: Yes.

MS. HAWK: Rhode Island.

RHODE ISLAND: Abstain.

MS. HAWK: Connecticut.

CONNECTICUT: Yes.

MS. HAWK: New York.

NEW YORK: Yes.

MS. HAWK: New Jersey.

NEW JERSEY: Yes.

MS. HAWK: Delaware.

DELAWARE: Yes.

MS. HAWK: Maryland.

MARYLAND: Yes. .

MS. HAWK: Virginia.

VIRGINIA: Yes.

MS. HAWK: North Carolina.

NORTH CAROLINA: Yes.

MS. HAWK: South Carolina.

SOUTH CAROLINA: Yes.

MS. HAWK: Georgia.

GEORGIA: Yes.

MS. HAWK: Florida.

FLORIDA: Yes.

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

U.S. FISH AND WILDLIFE SERVICE:
Abstain.

MS. HAWK: National Marine Fisheries
Service.

NATIONAL MARINE FISHERIES SERVICE:
Abstain.

CHAIRMAN NOWALSKY: **The motion carries; 11 yes votes; 3 abstentions.** Okay, that addresses the large coastal sharks. We need to address the non-large coastal sharks. Do I have a motion from the board for the non-large coastal sharks?

MS. HAWK: That includes the hammerhead sharks, pelagic sharks, non-blacknose small coastal sharks and blacknose shark species groups.

DR. DANIEL: Well, just a concern and maybe Karyl can help me out here on the issue with the blacknose. I don't want to do something that is going to mess you up too badly; but at the same we've lost tremendous opportunity in the small coastal shark fishery because of the blacknose coupling. Are we going to talk about that here in a minute, too?

MS. BREWSTER-GEISZ: The blacknose and non-blacknose small coastal shark linkage is something that we can only change through an amendment. We are working on Amendment 6, which we hope to have out proposed later this year and final next year, in the middle of the year some time. A lot of the measures in that we're hoping would solve North Carolina's concerns about the blacknose and non-blacknose small coastal linkage. I will have a very quick update on Amendment 6 later when I give my presentation; but I don't have any solution for you right at this moment.

CHAIRMAN NOWALSKY: Follow-up, Dr. Daniel?

DR. DANIEL: Not so much a follow-up; just a quandary as to whether – I mean, if we approve the specifications as listed on the board; then

we're going to have that same loss again this year. But if I make a motion, then it is going to be completely contrary to the Service's management approach that would allow us to continue to fish for small coastal sharks despite your closure. Most of those fish are occurring in state waters, anyway. I'm reluctant to do that at this time; so I'm not going to make a motion.

CHAIRMAN NOWALSKY: Well, I'm not seeing much will of the board here. Can we get any comment from the Service about the implications of not moving forward with specifications here today? All right, so what I'm hearing is that without a specific motion by the board, state water fisheries would be constrained by the federal waters measures by default. Dr. Daniel.

DR. DANIEL: I guess this might be a question for Bob. If that is the case and a state were to elect not to follow the federal regulations; that would result in a non-compliance finding by this board?

MS. TONI KERNS: For a state-water-only fishery?

DR. DANIEL: Correct.

MS. KERNS: Louis, I'd need to read the plan to see if we qualified a default if states waters did not set measures. There are portions of the plan that say we default to the federal water regulations. I'd have to read the fine print on the lack of specifications. If you give me five minutes, I will get back to you.

MR. ROBERT H. BOYLES, JR.: Mr. Chairman, I think that is what I recall about the plan development. The whole purpose was to promote consistency among state and federal waters; and so absent specifications, I think that would be a non-compliance.

MR. WILLIAM A. ADLER: Mr. Chairman, right off the top, how can a state be out of compliance if we didn't set anything that they had to be compliant about? If it is in the plan and I'm not sure that it defaults to the feds' rule; still I don't see where, okay, we're going to find

you out of compliance if we didn't make a decision. I don't know.

CHAIRMAN NOWALSKY: Dr. Daniel, we're working at the front here to try to get an answer to that question and make a determination if it is something we can determine in short order or whether a break is going to be required. Go ahead, Dr. Daniel.

DR. DANIEL: Okay; I'm fine; I'll wait.

CHAIRMAN NOWALSKY: We will give staff a moment to see if they can come up with something in short order to answer the question that is before us.

MS. HAWK: The FMP specifies that the Coastal Sharks Board will not actively set quotas but will follow NOAA Fisheries when they close them in federal waters.

CHAIRMAN NOWALSKY: So, from the advice I'm hearing up here, if we do not set regulations otherwise here today, the specifications that would go into place and the states would be required to follow would be the federal waters specifications; being constrained by their dates of opening and closing or any other subsequent action that was taken in federal waters.

DR. DANIEL: Thank you for that clarification.

MS. HAWK: I can read that section to the board: "The Coastal Shark Board will not actively set quotas for any species contained in the non-blacknose small coastals; blacknose aggregated large coastals; hammerhead or pelagic species groups, but will close the fishery for any species in these groups when NOAA Fisheries closes the fishery in federal waters."

DR. DANIEL: Pretty clear.

CHAIRMAN NOWALSKY: Well, the question still before staff here is with regards to differentiating between open dates and quotas on that matter; so we will give them another moment. Bill.

MR. ADLER: So does it become a compliance issue in the plan if the state has to go with the feds; and does the state plan then say we've got to go with the feds and you can be out of compliance; is that in the wording?

CHAIRMAN NOWALSKY: Well, I think it is implicit within the wording. The wording states that the measures to be followed would be the federal waters measures; and if a state fishes outside of those regulations, the board could take compliance actions at that point. Rob.

MR. O'REILLY: I suppose more than anything, it is the current closure that really is at issue, at least the way I'm looking at it, and I think Karyl had mentioned that the Service was in the middle of a process to perhaps make changes. I'm putting words in the Service's mouth; but I'd like to know a little more detail about what is going on there.

MS. BREWSTER-GEISZ: A lot is going on in Amendment 6. We are looking at a number of things. We are taking action to resetting total allowable catches for non-blacknose small coastal sharks based on the new assessments we have for sharpnose and bonnethead. We are looking at sub-regional quotas.

We are looking closely at when we do the sub-regional quotas, particularly along the east coast, what would that mean for the quotas. Some of the things we have found so far, which is part of what Louis is raising, is that North Carolina north, they don't really catch any blacknose at all; whereas, south of that they catch a mix of blacknose and small coastals.

It is because of that mix and because blacknose is overfished that we have that linkage; so when we close, there are not a lot of discards for blacknose and non-blacknose small coastals. Under Amendment 6, we do sub-regionals, there would be different opening and closing dates for those sub-regions. There are different quotas; there could potentially be different linkages. That is what we're looking at.

CHAIRMAN NOWALSKY: Karyl, do you believe it would be helpful to the board to move

into your presentation right now while we seek clarification on the issue for specifications?

MS. BREWSTER-GEISZ: Most of the presentation is in regard to Amendment 9. I only have a few slides on Amendment 6; so I could do those few slides first. Then we could come back to this and I could answer any questions about Amendment 6 at that time.

CHAIRMAN NOWALSKY: That would be great. Unless there is any objection from the board, we will review the Amendment 6 slides to help fully answer Rob's question. Seeing no objection, we'll go ahead and review those slides.

MS. BREWSTER-GEISZ: While we move forward to the slides that I'm no, I'll just give you a little bit of the background. Amendment 6 is an action we started back in 2010. We had an ANPR, or an Advance Notice for Proposed Rulemaking, where we looked at things like quota stacking, how we would change the permit structure, and whether or not we should move forward with catch shares. We had a lot of comments at that point.

We actually received a proposal from Gulf of Mexico fishermen to move forward with catch shares. In 2011 we went out with a Notice of Intent saying, okay, we are really seriously considering catch shares; here are all the measures we need to think about if we're moving forward with catch shares.

At that point most of the shark fishermen looked at us and said, "No, we don't want catch shares; we're not sure what this is; we would need to see more details before we decided we wanted to move forward with catch shares." Between that time and now, a lot has happened to the shark fishery. There have been changes in stock status. There have been a lot of states that have adopted a fin possession ban.

The fishery as a whole has changed tremendously; and so at this point we have changed Amendment 6 to be more short-term measures that we feel can help stabilize the shark fishery and adjust for some of these issues

that keep coming up; Louis keeps raising but other people raise a lot as well.

Within Amendment 6; last year we also had the results of two stock assessments. These stock assessments were for small coastal sharks. They were for the bonnethead and Atlantic sharpnose stock. Those species were previously considered one stock across the Atlantic and Gulf of Mexico. Both of them were not overfished with no overfishing.

In the 2013 stock assessment the scientists looked at the data and determined these should really be two different stocks; so now we have an Atlantic sharpnose stock, a Gulf of Mexico/Atlantic sharpnose stock and Atlantic bonnethead stock and Gulf of Mexico bonnethead stock.

For sharpnose, looking at the results, we have determined that for the Atlantic they are not overfished with no overfishing occurring; good news! For bonnethead sharks in the Atlantic, unfortunately it came out to be an unknown status. Because of the structure, the scientists were not able to consider Atlantic-only catches; so at this point we really don't what their status us. That changes things for small coastals as whole because right now we had split for blacknose but not necessarily for the others. We are taking all of that into consideration in Amendment 6.

We're looking at the small coastals, how do we set the total allowable catches now split completely between the Atlantic and Gulf of Mexico and what kind of commercial quotas we should set. We're still looking at permit stacking though we have had a lot of comments that permit stacking is not what we should be looking at.

Instead we should be looking at increasing the commercial shark retention limits; so we are looking at ways to increase commercial shark retention limits and accordingly reduce the shark research fishery quota for sandbar sharks. We are also looking at regional and sub-regional quotas. Right now we have an Atlantic Coast quota for the aggregated large coastals and

hammerheads, setting that up, splitting that between sub-regions.

We are currently considering two different lines; one which is around the northern part of South Carolina and one which is at the southern part of North Carolina. Those would be the sub-regions. We're looking at those sub-regions as well for the small coastals. When we've split them out and looked at the landings – and we've talked about this with our advisory panel and there are a lot of questions.

As I mentioned to Rob earlier, we aren't seeing a lot of blacknose at all in the northern area. It comes out to 0.2 metric tons or something like that. We're actually considering prohibiting blacknose in that northern area; so there would no longer be a linkage to small coastals; and that northern sub-region would open and close on its own.

The southern region, where there is a really good mix of the blacknose and the non-blacknose small coastals, those would continue to be linked and opened and closed together. We looked at change in the retention limits in the Caribbean, which I won't really touch on because that doesn't affect you. Caribbean is currently in the Gulf of Mexico Region.

We're also looking at modifying the upgrading restrictions for the directed shark permit holders so that they could upgrade to different size vessels that are much larger and much safer than what they have now; if they wanted to; they wouldn't have to. That is pretty much Amendment 6 and where we are in a nutshell. We are really hoping to have a proposed rule out either by the end of this year or beginning of next year. We're really, really pushing for that and then really pushing for effect next summer; mid-season.

CHAIRMAN NOWALSKY: Thank you, Karyl. Dr. Daniel.

DR. DANIEL: Just to comment that is very encouraging. Thank you.

CHAIRMAN NOWALSKY: Okay, seeing questions or comments; it brings us back to the

small coastal shark specifications. Do you want to give yourselves some time to make that determination?

CHAIRMAN ROBERT E. BEAL: Well, Toni and I have been reading through the FMP, which is always enjoyable, and it is not crystal clear. There is a little bit of internal conflict between the specification-setting sections where it talks about quotas and the Section 4.3.5 where it talks about seasons. In the specifications and quota-setting section, it clearly says that the states will follow the federal openings and closures. When the federal government closes, the states will close; and the states will only open when the federal government reopens the fishery. That part locks us in.

Under the season section, it does say that the board is able to set seasonal periods. I think what that means is if there is a federal opening, we can subdivide that quota available during that opening to try to spread it out or have the fishing occur differently within that quota period. The quota section is very clear that the states open and close when the federal government does. That leads me to believe that the intent is for the state fisheries not to be open when the federal waters fisheries are not open. Does that make sense?

DR. DANIEL: With that explanation and recognizing that we are moving in a good direction on this, **I would move to concur with the opening dates for the hammerheads, pelagics and small coastals** – I lost it when you went away.

CHAIRMAN NOWALSKY: I think we've got something that will help you here.

DR. DANIEL: There you go.

CHAIRMAN NOWALSKY: **So your motion, Dr. Daniel, is to move to open other coastal shark groups, including small coastal sharks, hammerhead, pelagic, blacknose, consistent with NOAA Fisheries?**

DR. DANIEL: That is correct, Mr. Chairman.

CHAIRMAN NOWALSKY: Would you like to add for the 2015 year?

DR. DANIEL: Please.

CHAIRMAN NOWALSKY: Okay, with that addition, we have a second from Malcolm Rhodes. Any discussion on the motion? **Okay, the board has before us move to open other coastal shark groups, including small coastal sharks, hammerhead, pelagic and blacknose, consistent with NOAA Fisheries for the 2015 season. Motion by Dr. Daniel; seconded by Dr. Rhodes.** I'll give the board a moment to caucus before we vote on that.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: Okay, before proceeding with a roll vote on this, I will ask is there any objection to the motion? **Seeing no objection; the motion is approved.**

UPDATE ON NOAA FISHERIES' AMENDMENTS 6 AND 9

CHAIRMAN NOWALSKY: All right, everybody up here seems to be on board with pushing through with the Amendment 9 presentation; so again I'll turn to Karyl for that.

MS. BREWSTER-GEISZ: I will try to make this quick so you can all go to lunch. If I'm going too quick, slow me down; if I'm going too slowly, just feel free to motion to speed it up. Thank you again for having me. In the back there is also Stephen Durkee. He is working with me; so if you have any questions that aren't answered through this, feel free to contact one of us; and we will gladly answer them.

Amendment 9 proposes five different things, which I will go forward and discuss. Most of the measures in Amendment 9 have to do with smoothhound sharks. There are at least three species of smoothhound sharks in U.S. waters. Those are smooth dogfish, Florida smoothhound and Gulf smoothhound. These are Mustelus.

They are not related at all scientifically to spiny dogfish, so please do not confuse smooth dogfish with spiny dogfish. Almost all of the measures affect the smoothhound fishery. There

are two exceptions. One is for the Shark Conservation Act that deals only with smooth dogfish. There are also two different measures that we propose that affect all of our gillnet fisheries; so not just the smoothhound fishermen but all of our shark gillnet fishermen.

At this time we are working through SEDAR to complete a smoothhound stock assessment. In the Atlantic the scientists have determined that the smoothhound stock assessment would only look at smooth dogfish. They felt fairly confident that Florida smoothhound and Gulf smoothhound were not found in the Atlantic; but it is good for you to remember that these species are out there because it does affect one of the Shark Conservation Act proposed measures.

The final assessment should be done in March of next year. In Amendment 9 the first thing it does is it establishes an effective date for the Amendment 3 and the 2011 Trawl Rule Measures. These measures were ones that would bring the smoothhound fishery into federal management; so they establish permit requirements; for dealers they establish reporting requirements; they establish a quota; pretty much everything you expect for federal management is what these two rules would do.

One of the things Amendment 3 did that we are proposing to change in Amendment 9 is the quota. If you look at this graph, up on the Y-axis you have the landings; along the X you have the year. The blue line is the landings over time. Pretty much right when we implemented or finalized Amendment 3, we never actually implemented the smoothhound measures.

We had a huge spike in landings; so the quota that we finalized in Amendment 3, which is the Alternative B-1, obviously was not going to work. We had a lot of concerns coming from fishermen and this body – Louis, I remember all of your concerns on this – saying we’re going to be closing the fishery as soon as we open it under that quota. We are relooking at the quota.

Alternative B-2 is something that came from this board. It is looking at a rolling quota, maximizing it adding two standard deviations. Alternative B-3 is what we are proposing. It is a

static quota based on the last ten years of data. We also looked at another alternative, which is not on the slide but is very much under consideration; and that is to take the quota from what comes out of the stock assessment.

I couldn’t put on the slide because we don’t have a quota from the stock assessment yet. We are hearing from pretty much everybody that they want that quota. Whatever it is, they want the quota from the stock assessment. They don’t want us to move forward with what we’ve proposed. The Shark Conservation Act; this is something this body has discussed a lot; has requested from us to move forward on a lot.

For regulatory purposes, it requires fins naturally attached to all sharks; but there is this exception for smooth dogfish. We took a look at this paragraph and we found five phrases that we felt we really needed to interpret before implementing. The first phrase is “an individual engaged in commercial fishing for smooth dogfish”. It is really those words “engaged in commercial fishing for smooth dogfish”.

We thought does this mean somebody who is landing monkfish and just happens to catch a smooth dogfish; can they remove the fins from that one smooth dogfish or does this mean somebody who is out there fishing for smooth dogfish and catching pretty much only smooth dogfish; are they going to be allowed remove the fins from the smooth dogfish?

We looked at four alternatives ranging from it doesn’t matter what the catch composition is to 100 percent smooth dogfish; you can only remove the fins if it is all smooth dogfish. We are proposing a 75 percent catch composition. Another part of this measure is that there would be no other sharks on board; that this would apply only to non-sharks and smooth dogfish.

The second phrase is “an individual holds a valid state commercial fishing license”. We looked at two alternatives for this; the first one being a general state commercial fishing license that happens to allow for smooth dogfish to be taken. The second variation is a smooth dogfish specific state commercial fishing license. We are really looking for comments particularly

from this board on whether or not that is what that phrase means.

The second phrase is the word “state”. The Act is very specific. It defines the state to be Maine through Florida. The problem is Florida has an eastern part and a western part; so we looked at two alternatives here. That hatched line going along the coast goes out to 50 nautical miles, which is part of the Act. We looked at the alternative where it continues along the west coast of Florida and one where it cuts off along the Atlantic Region for sharks.

We are proposing keeping it along the Atlantic Region; and this is because of the species’ identification area in the Gulf. There are those three species; they are very difficult to tell apart. Even scientists can’t always agree on it without genetic testing; and we are concerned that fishermen could be catching sharks, finning them illegally – or not finning them, but removing the fins from something they think is a smooth dogfish and it turns out to be a Florida smoothhound.

The other two phrases we decided to take at face value. That is the 50 nautical miles and the 12 percent that this board has already discussed and finalize. In sum, if you want to, under this proposed rule, remove the fins from smooth dogfish, you need to have at least 75 percent of smooth dogfish on board your vessel, no other sharks on board.

You need to be within 50 nautical miles of the eastern shore from Maine through Florida. You need to have a carcass weight of fins that does not exceed 12 percent – I’m sorry, the fins cannot exceed 12 percent of the carcass weight on board. I think that’s it. Really quickly through the next three measures; because we’re adding smoothhounds into federal management, we need to do a biological opinion.

That had one measure that we felt needed regulatory action; and that was net checks at least two hours or a 24-hour limit on soak time. Currently anyone with a shark permit has to follow the net checks. We looked at a number of different alternatives and preferred the alternative that would really be on how they

fished the gillnet. If they are using a sink gillnet, they are limited to a 24-hour soak time.

If they are using a drift gillnet, they need to do a net check and check for marine mammals and sea turtles and remove them every two hours. The last measure that we did in Amendment 9 or proposed has to do with the gillnet requirement for sharks. Currently everybody with a shark gillnet from November through April must have VMS up and working.

We are proposing to change that so that it would be off that small area off of Florida consistent with the Atlantic Large Whale Take Reduction Team. The comment period for Amendment 9 ends November 14th. There are plenty of ways to submit comments. That is all I have on Amendment 9.

The only other thing I wanted to touch on is some people have asked about Amendment 5B. This is the amendment regarding dusky sharks. We are still actively working on that amendment. I don’t have a time frame for you. I just wanted to make sure you knew that we were still working on that. That’s it if anyone has any questions.

CHAIRMAN NOWALSKY: Questions from the board? Okay, Dr. Daniel.

DR. DANIEL: I was trying to give somebody else a chance. It is a very good report and we will submit comments on this. Smooth dogs are very ubiquitous in the small coastal shark fishery; and that is going to create a real problem. The 75 percent is better than 100 percent; but there is going to be a lot of problems going with the 75 percent.

If you don’t have the 75 percent and trying to get rid of all that processing is awful; so trying to get that, you’ll have to take that back offshore. They’re going to have to do something with that, and that is going to be an increased expense for the industry to try do away because it can’t go to a landfill. That is going to create a problem.

I just don’t understand if the quota is open for small coastals why they wouldn’t be allowed to

land small coastals with their smooth dogs because that will happen. My biggest fear is that they're going to have to discard; not release but discard the small coastal sharks in that fishery, because they will catch them. That is just going to be another discard component that we can't really quantify.

MS. BREWSTER-GEISZ: We have heard that comment a lot. We have heard from North Carolina that they're concerned particularly with the sharpnose. We have heard mostly from New Jersey fishermen, although there have been a couple of North Carolina fishermen, about thrasher sharks that they would like the opportunity to keep thrasher sharks when they are fishing for smooth dogfish. It is something we're hearing and we are taking a look at all those comment.

CHAIRMAN NOWALSKY: Louis, I had heard you say we will submit comments. I'm assuming you were referring to your own state with that particular comment; but were you requesting or is there the will of the board to submit comments as a whole here – if so, we would need some direction on that – or if the individual states are satisfied with going back and crafting their individual comments, they could do that. Did you want to make any other comment on that, Louis?

DR. DANIEL: Well, our issues are so complex that it would take me a long time to go through them all what I would want in a letter. I think if there is a specific issue that the board wants to discuss, then that would be great. They have moved forward with the 12 percent; that's good. It is just the amount of fish. The South Atlantic proposed in their letter to NMFS that does not allow – they did not agree with not allowing any other species of sharks. I think that is what their support was. Karyl can correct me if I'm wrong. The council supports Alternative A2-1A.

This alternative allows for smooth dogfish to make up any portion of the retained catch; but it does not allow you to keep sharks. That is their position. I think they should be allowed to keep at least the small coastal sharks that have been identified, which is the sharpnose shark and the

thrasher shark. If the board is interested in making those comments; I know a lot of folks don't know a whole lot about this fishery, so I'm hesitant to ask for the board to endorse a letter unless others feel comfortable with it.

CHAIRMAN NOWALSKY: Is there any other board comment on the Amendment 9 presentation? All right, seeing none, then we won't go ahead with any specific comment letter here today and would encourage the individual states to make comments as appropriate. Okay, thank you very much, Karyl.

ELECTION OF VICE-CHAIR

CHAIRMAN NOWALSKY: Our final order of business on the agenda today is to elect a vice-chair. Do we have a nomination? Mr. Gilmore.

MR. JAMES J. GILMORE, JR.: Mr. Chairman, I would like to nominate Dr. Louis Daniel for vice-chairman of the board.

CHAIRMAN NOWALSKY: Given Dr. Daniel's interest in this species; do we have a second for that? Mr. Boyles.

MR. BOYLES: Mr. Chairman, I would make the motion that we close the floor to nominations and cast a single vote for Dr. Daniel as vice-chair.

CHAIRMAN NOWALSKY: **That motion is so accepted; and without objection.** Seeing none, Dr. Daniel, congratulations as vice-chair of the Coastal Sharks Board.

ADJOURNMENT

Is there any other business to come before this board today? Okay, seeing none, this board stands adjourned.

(Whereupon, the meeting was adjourned at 12:40 o'clock p.m., October 30, 2014.)