

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SPINY DOGFISH AND COASTAL SHARK MANAGEMENT BOARD**

**Crowne Plaza Hotel - Old Town  
Alexandria, Virginia  
February 21, 2013**

Approved May 21, 2013

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2. **Approval of proceedings of October 2012 by consent** (Page 1).
3. **Move to approve Draft Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks Smooth Dogfish State Shares for public comment with the changes as agreed to today** (Page 4). Motion by Pat Augustine; second by Peter Himchak. Motion carried (Page 4).
4. **Move to approve the request for de minimis status for Delaware, South Carolina, Georgia and Florida and accept the FMP reports** (Page 4). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 5).
5. **Move to approve the Coastal Sharks FMP Review** (Page 5). Motion by Pat Augustine; second by Bill Adler. Motion carried (Page 5).
6. **Motion to adjourn by consent** (Page 8).

## ATTENDANCE

### Board Members

Rep. Walter Kumeiga, ME (LA)	David Saveikis, DE (AA)
Willis Spear, ME, proxy for S. Train (GA)	John Clark, DE, administrative proxy
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Tom O'Connell, MD (AA)
Paul Diodati, MA (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Mark Gibson, RI, proxy for R. Ballou (AA)	Rob O'Reilly, VA, proxy for J. Travelstead (AA)
Bill McElroy, RI (GA)	Cathy Davenport, VA (GA)
Rick Bellavance, RI, proxy for Rep. (LA)	Louis Daniel, NC (AA)
David Simpson, CT (AA)	Robert Boyles, Jr., SC (AA)
James Gilmore, NY (AA)	Pat Geer, GA, proxy for S. Woodward (AA)
Pat Augustine, NY (GA)	James Estes, FL, proxy for J. McCawley (AA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Wilson Laney, USFWS
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	Margo Schultz-Haugen, NMFS HMS
Tom Fote, NJ (GA)	Bob Ross, NMFS

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

### Ex-Officio Members

#### Staff

Robert Beal  
Toni Kerns

Marin Hawk

#### Guests

Steve Meyers, NMFS  
Karyl Brewster-Geisz, NMFS  
Clifford Hatt, NMFS

Leann Hogan, NMFS HMS  
Sean McKown, NCEA

The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 21, 2013, and was called to order at 11:30 o'clock a.m. by Chairman Mark Gibson.

### **CALL TO ORDER**

CHAIRMAN MARK GIBSON: My name is Mark Gibson from Rhode Island. I am the new board chair. The first business is to thank Bob for standing in for me in Philadelphia, which was supposed to be my first meeting. I had a rather embarrassing incident. I stumbled out of bed and injured my knee. I guess that is a true senior moment.

Of all the species the commission manages, I probably know the least about coastal sharks, so you're going to need to help me with this, the board members that understand these fisheries; and obviously Bob and Toni and the staff, I going to need a lot of help from. It is a deep learning curve for me.

### **APPROVAL OF AGENDA**

CHAIRMAN MARK GIBSON: The first order of business is approval of the agenda. Under other business I would like to add a brief discussion about the northern region spiny dogfish management program. We have had several fishermen approach Bob as well as myself and other commissioners about the northern region dogfish management, particularly an interest in perhaps some additional structure within the program that would ensure that there were fish available to take later in the season; perhaps sub-periods, trimesters and things like that.

I would like to add that to the agenda under other business. Is there anything else that the board would like to add to discuss under other business? Seeing none; is there any objection to moving ahead with the agenda as I have just modified? Seeing none; the agenda stands approved.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN MARK GIBSON: The next item is approval of the proceedings from the annual meeting in October 2012.

Are there any board members wishing to make edits or adjustments to the meeting proceedings? Seeing none; those stand approved.

### **PUBLIC COMMENT**

CHAIRMAN MARK GIBSON: Item 3 on the agenda is public comment. This would be an opportunity for individuals to comment to this board on items not on the agenda. I don't think anyone signed in to speak. Okay, we will move right on to Item 4, consider Draft Addendum II to the Interstate Coastal Sharks Fishery Management Plan.

### **DRAFT ADDENDUM II TO THE INTERSTATE COASTAL SHARKS FISHERY MANAGEMENT PLAN**

MS. MARIN HAWK: This is Draft Addendum II to the Interstate Fishery Management Plan for Coastal Sharks. It will be going out for public comment after we review it today and make any necessary changes that you guys see fit. So just a brief introduction; back in 2011 the board initiated an addendum to allocate state shares of the smooth dogfish. This was in response to NOAA Fisheries Amendment 3. In August 2012 the board asked New Jersey, North Carolina, Florida and Massachusetts to conduct research into smooth dogfish fin-to-carcass ratios and include those results in an addendum.

This addendum addresses both of those issues, and I will explain why they're so far apart time-wise in a bit. NOAA Fisheries is currently working to implement the Shark Conservation Act of 2010, and they're also making some other changes to their Highly Migratory Species FMP. This is going to result in some inconsistencies between our plan and their plan.

Mainly they are working to implement a 12 percent maximum fin-to-carcass ratio for smooth dogfish and are also working to implement a smooth dogfish quota, which will be included in that rule. State shares were proposed to prevent the possible federal quota being taken in one region while shutting other states out.

As I mentioned, the 12 percent fin-to-carcass ratio for smooth dogfish would be inconsistent with our FMP, which states that all fins may be removed with a 5 percent maximum fin-to-carcass ratio from March through June, and you must keep the dorsal fin attached naturally through landing for the rest of the year.

In the past smooth dogfish have not been managed in federal waters; and in the absence of a stock assessment, the board has chosen not to implement a quota or possession limit for state waters. Amendment 3 to the Highly Migratory Species Plan intended to implement a smooth dogfish quota for 2012; however, that has since been delayed.

At that time the board had already directed that this addendum be developed, so staff proceeded to develop this addendum. Currently NOAA Fisheries anticipates that smoothhound quota will be proposed with the Shark Conservation Act of 2010 Rule. Just some background for the at-sea processing; New Jersey requested that the board look at whether or not they could remove the first dorsal fin year round.

The technical committee reviewed that request back in June of 2012. The technical committee determined at that time that setting the ratio too high would allow a loophole for finning and they did not endorse a paper from North Carolina which calculated a 3.51 percent fin-to-carcass ratio because that was based on six fish.

At that time the board tasked Massachusetts, New Jersey, North Carolina and South Carolina to research an appropriate fin-to-carcass ratio to include in Draft Addendum II. Unfortunately, due to data limitations the only data that the technical committee was able to review is that data from New Jersey. The data indicated that there was anywhere from a 7 to 12 percent fin-to-carcass ratio based on the fins kept and the cut of the fin.

Due to the limited data, the technical committee decided that since the Shark Conservation Act 12 percent ratio cannot be changed, they decided that maintaining consistency between federal and state waters was necessary, so they recommended that 12 percent fin-to-carcass ratio be included in this addendum as an option.

I am just going to go right through the options in the addendum. They're the same as the

document that you have so you can follow right along. Issue 1 deals with smooth dogfish state shares. Option A is status quo. Option B is historical landings 1998 to 2007. This reference period includes the base years used to calculate the initial smoothhound quota in the Amendment 3 Final Rule.

Option C, which is historical landings 1998 to 2010, is the reference period which includes the base years used to calculate the initial smoothhound quota, 1998-2007; and the most recent years, 2008 to 2010. Option D, is the five-year moving average as a reference period, which is adjusted annually to include the most recent five years of available data; so 2013 quota shares would be calculated based on the average landings from 2008 to 2012.

This is just a table that shows you the different options and the percent shares under those options that are in your document. Here is another table which outlines the various options under the five-year moving average. Again, this is a graph which shows you how the five-year moving average option changes over the years.

Issue 2 deals with state quota transfer. Option A is no quota transfer. Option B is allow quota transfer. Issue 3 is quota rollovers. Option A is status quo. Option B is a rollover of state quota, and this does not specify that transferred quota may be rolled over nor does it prohibit the rollover of transferred quota.

Option C is transferred quota may not be rolled over, and that is pretty straightforward. Option D is the rollover of transferred quota. This states that a state may roll over any unused transferred quota from one fishing year to the next. If a state receives transferred quota and does not harvest its final quota amount, the remaining amount will be added to the corresponding state's quota the following year.

Option E is a 5 percent quota rollover. Staff recommends – just a side note – that Options B and D are very unclear for the public comment draft and requests that the board clarify which options to include under this issue. I did want to point that out.

Issue 4 is possession limits. Option A is a board-specified possession limit. Option B is a state-specified possession limit. Issue 5 is a three-year reevaluation of state shares. Option A is no

three-year reevaluation and Option B is a three-year reevaluation. Finally, Issue 6 deals with smooth dogfish processing at sea.

Status quo, which again is that 5 percent maximum fin-to-carcass ratio from March through June, and then the dorsal fin must remain intact the remainder of the year. Option B is measures consistent with the Shark Conservation Act, which is a 12 percent maximum fin-to-carcass ratio year round. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: First, are there any questions for Marin on the addendum; and then after that the board could have at it for any improvements or refinements and then an action to send it out to hearing. Louis.

DR. LOUIS B. DANIEL: Marin, that study that is cited from North Carolina with six sharks at 3.51 percent; I'm unaware of that study. If we could talk about that later, I'm not aware of any smooth dogfish fin-to-carcass ratio work we have done that hasn't been pretty consistent with what NMFS has at 12 percent. I need to know where that came from, but we do plan on doing some additional work between now and I guess when we take final action. If we do find anything extraordinary, we will let the board know. But as I recall, 12 percent was around the number that we were finding as well. I think it is probably consistent with why NMFS put it in there.

MR. WILLIAM A. McELROY: I would like to respond to Louis' comment. As I recall at the last board meeting, a fisherman came to the public microphone from North Carolina and he had done a private study to come up with those numbers. It wasn't a state-promulgated thing.

MS. MARGO SCHULZE-HAUGEN: Just to clarify; the 12 percent didn't come from the federal government. That is in the statute so that came from congress.

DR. DANIEL: If that is the case, though, I think that information needs to be off the record because that is just not right. That 3.51 percent isn't even close to being right. If that is not an endorsed North Carolina study, I'd rather not just use hearsay from somebody at the podium.

CHAIRMAN GIBSON: Is that the sense of the board? I wasn't there. Pat Augustine.

MR. PATRICK AUGUSTINE: Mr. Chairman, I agree with Dr. Daniel. If it is not substantiated, I think it would be foolish to put it off to the public unless there is another source to verify similar information. Margo didn't say that there was another source. This is the only source we had as far as you're aware?

MS. SCHULZE-HAUGEN: I think the work that the technical committee did in support of this based on state landings is the source.

MR. AUGUSTINE: I agree with Dr. Daniel; I think without being substantiated at this point in time, it would be foolish. I would suggest that we remove it.

CHAIRMAN GIBSON: I am seeing mostly people agreeing with that or not responding, so that seems to be the consensus we have. Is there anything else on the addendum? Pete Himchak.

MR. PETER HIMCHAK: Yes, just as a point of clarification; the New Jersey data that they did in Barnegat Light, what was the ratio on that? From what I'm reading here is essentially they could remove that dorsal fin after July 1<sup>st</sup> as long as the ratio does not exceed 12 to 1; is that correct?

MS. HAWK: That is correct. The New Jersey research was done by Russ Babb on the technical committee and he found that there was anywhere from a 7 to 12 percent fin-to-carcass ratio. Does that answer your question?

MR. HIMCHAK: Yes; thank you very much.

CHAIRMAN GIBSON: Are there any other questions?

MR. AUGUSTINE: Are you ready for a motion?

CHAIRMAN GIBSON: Almost; unless there is a need or desire to refine the addendum in any way before we move to take it to hearing. Seeing none; we're ready for Mr. Augustine.

MR. AUGUSTINE: Mr. Chairman, I move that the board approve Draft Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks Smooth Dogfish State Shares for public comment.

CHAIRMAN GIBSON: Staff is telling me we didn't deal with Issue 3, so why don't you address that, Marin.

MS. HAWK: If you all look at Issue 3, quota rollovers on Page 8 of your draft addendum, Option B and Option D, neither one specifies whether or not you can roll over transferred quota. Both of them say that you can roll over both transferred or non-transferred quota. I was hoping for some clarification. They're worded a little bit funny, I think.

DR. DANIEL: Yes, I think for consistency we normally do not allow transferred quota to be rolled over. For consistency's sake, I think that would be my recommendation would be to clarify that it would not include transferred quota in a rollover.

CHAIRMAN GIBSON: Is there any disagreement of opinion on that? Not seeing anything at the board; is that –

MS. HAWK: So, no option to allow the rollover of transferred quota, then?

CHAIRMAN GIBSON: Right.

MS. HAWK: So that would make Option B and Option D the same, and so I will remove one of those options.

MR. ROB O'REILLY: I'm just trying to figure out how that would roll over. Would that roll over from the state that received the transfer or would that go back to the state that provided the transfer and then it would be part of the original quota? It is complicated that way. Do you have an idea on how that was intended? Was it intended for the recipient state to be able to include that in a rollover?

MS. HAWK: Option D says if a state receives transferred quota and does not harvest its final amount, the remaining amount will be added to that corresponding state's quota the following year, so that would allow transferred quota to be rolled over, yes.

MR. O'REILLY: That does not sound like a good idea.

CHAIRMAN GIBSON: I think we have agreement that option will be removed. Is there anything else? Okay, Mr. Augustine again.

MR. AUGUSTINE: Mr. Chairman, one more time; **I move that we approve Draft Addendum II to the Interstate Fishery Management Plan for Atlantic Coastal Sharks Smooth Dogfish State Shares for public comment with the changes as agreed to today.**

CHAIRMAN GIBSON: Seconded by Peter Himchak. Is there any discussion on this motion? Is there any opposition to this motion? **Seeing none; the motion stands approved.** Okay, the next item is FMP reviews.

### **SPINY DOGFISH AND COASTAL SHARKS FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE**

MS. HAWK: I will make this very brief. There was nothing surprising with the commercial harvest or recreational harvest of spiny dogfish, so I am going to just move right through to state compliance. The plan review team reviewed all state compliance reports. All states' regulations were consistent with the FMP.

New York did not turn in a report but its regulations are consistent with the FMP. There were four requests for de minimis; Delaware, South Carolina, Georgia and Florida. De minimis is less than 1 percent of total landings. There are no monitoring requirements, but those states must report landings annually. Connecticut qualified for de minimis but did not request it. The plan review team recommends all requests for de minimis be granted. Thank you, Mr. Chairman.

CHAIRMAN GIBSON: Are there any questions for Marin on the compliance reports? Seeing none; we will take another motion.

MR. AUGUSTINE: Okay, **move to approve the request for de minimis status for Delaware, South Carolina, Georgia and Florida. The PRT recommends all requests for de minimis be granted and approval of the status of the states relative to their reporting.**

CHAIRMAN GIBSON: So your motion is to approve de minimis status and accepts the reports. Seconded by Bill Adler. Is there any discussion on this motion which approves the de minimis status requests and accepts the FMP reports? Is there any objection to this motion?



**Seeing none; it is approved.** Next is Coastal Sharks FMP Review.

MS. HAWK: Again, I will go through this very briefly. In the small coastal shark species there was a 39 percent increase from the 2010 landings; and the pelagic species there was a 65 percent increase from the 2010 landings. Recreational harvest; there was a 3 percent total increase in harvest from 2010 fishing seasons.

Small coastal sharks comprised 60 percent of the harvest in 2011, and this is an increase of 26 percent from 2010. Large coastal shark harvest decreased by 32 percent from 2010. There are no specific surveys aimed at coastal sharks; however, eleven surveys encountered sharks in 2011. There were trends in two of these surveys; in Delaware and South Carolina.

In Delaware sand tiger catch per mile remained high. Sandbar and smooth dogfish catches continue to increase. In South Carolina it was the lowest catch-per-unit effort in the small coastal shark gill net survey since 1998. The plan review team reviewed all state compliance reports and found that most states' regulations were consistent with the FMP.

Connecticut has not implemented the appropriate recreational measures; however, they are in the middle of the regulatory process to implement those measures. New York did not turn in a report, but their regulations are consistent with the FMP. There are no de minimis requests. Thank you.

CHAIRMAN GIBSON: Are there any questions? Doug Grout.

MR. DOUGLAS GROUT: Now, there are states that do have a de minimis status; and is that ongoing de minimis status. We don't have to apply every year for it?

MS. HAWK: Yes, your de minimis status remains unless your landings pattern change or you request a discontinuation.

CHAIRMAN GIBSON: Mr. Augustine, are you ready to do your thing?

MR. AUGUSTINE: Mr. Chairman, **move to approve the review of the FMP Coastal Report.**

CHAIRMAN GIBSON: Seconded by Mr. Adler. Is there any discussion on that motion? Is there any objection to the motion? **The motion is approved.**

## OTHER BUSINESS

CHAIRMAN GIBSON: That brings us to other business. I was going to ask either Mr. Bellavance or Mr. McElroy to speak to the northern region issue that has been intimated to us.

MR. RICK BELLAVANCE: Mr. Chairman, I just have just a little brief background on the problem and maybe some potential solutions. In the Southern New England Region, to the north the fishermen are concerned that the quota is going to be expended early in the season and they won't be able to continue to fish through the winter period when the price is a little higher for the dogfish and they can also target codfish and the dogfish simultaneously to make a more profitable trip for them.

The suggestion is to develop some sort of a tool that can be used to either divide the season into a trimester so that there is allocation devoted to that specific winter period or some other tool of monitoring quota throughout the season and enact slowdowns to extend the quota through that January/February/March period. That was the problem as it was described to me, and I just look to the board for comments or suggestions as to how we could accomplish a solution to that.

CHAIRMAN GIBSON: Marin, do you know what the status of the northern region quota is at this point with the significant increase we had?

MS. HAWK: There are at about 99 percent of their quota.

CHAIRMAN GIBSON: A closure is imminent; okay. I guess the other question is do we even need a commission formal action for us to do this or is it within the purview of the northern region states simply to agree that we need more restrictive rules than the current action requires us; for example, reduce possession limits, days out, closures, additional sub-period structure with allocations in there. I asked Toni about that and we had a little discussion.

MS. TONI KERNS: I think that if the northern region wants to get together and come up with an

agreement, it is well within their ability to do so. In the future if you want to codify that agreement through the FMP, it would be somewhat like a gentleman's agreement that you guys would all follow those regulations that you decide to put together.

CHAIRMAN GIBSON: Do other northern region partners have any feedback for us? Dave.

MR. DAVID SIMPSON: I'm happy with that arrangement. Personally I'm just thinking about regulatory authority; and to move quickly we have a great deal of latitude to comply with the commission plan. I don't know if we need something from the board that sort of authorizes this action. Toni, do you have any thoughts on that or the chair?

CHAIRMAN GIBSON: I think what we're looking for right now is just an opening discussion on this. Paul.

MR. PAUL DIODATI: I don't have a solution but I have a similar concern as David. I think it is similar in that we manage spiny dogfish through an annual specification that is tied back to an action that takes place as ASMFC. Technically the gentleman's agreement outside of the actual management plan doesn't really meet our law, so that is just a concern.

I'm not sure about that, but I hesitate to say let's do addendum because that's probably the next alternative. I'm willing to do whatever possible and as simple as possible. I think the simplest thing would be some kind of trimester quotas or something like that. But, whatever, I'm willing to give it a try as an agreement moving forward, but I think it is best to do it through an addendum as soon as possible.

MR. GROUT: Well, the northern quota at 99 percent right now, I am not sure that for this fishing year we're really going to be able to do anything. Next year we're seeing again a substantial increase in the quota for the next three years. This may be a problem that we're going to have to deal with three or four years down the line as I look at this.

I mean, here we are almost in March and we still haven't utilized the northern quota at this point, so I think your process here sounds like a good one where we could start talking about it for

something in the future and how we break that up.

It sounds like your fishermen – Ted Platz had brought I think this up – are looking for something in that March/April time period, some kind of set-aside so you could probably have a first – you could have a big chunk of quota, say, in the first three quarters and then maybe in the last quarter have a little set-aside sort of like with tuna there are different areas that have like a small set-aside toward the end of the season. I don't know; but that is something I think we could talk about and see what would be appropriate.

CHAIRMAN GIBSON: Yes, I think we're certainly not looking for any action within this fishing year. Let's see with the increased quota how this thing works out. As you point out, we're almost into March and it hasn't closed yet. We're scheduled for another increase so it may that we could just continue talking about this and see how this year performs, take a look at next year's quota and see if we want to consider some sort of action through the commission that would better meter out the large quotas. With the quota going up, the problem might be even less of a concern. Rick, do you want to add something?

MR. BELLAVANCE: Just a couple of things. March and April is a sixth of the season and I think that is a significant period of time; so if we close by March 1<sup>st</sup>, we'll still lose March and April. I think that is what they're looking to preserve mostly, but also that January/February fishery. We are getting an increase in quota but also that daily possession limit is going up a thousand pounds, which is a 25 percent increase there.

Even though we have more quota, this season still can possibly end similar to this year for the next three seasons. I think they're looking for some sort of stability in their business model to be able to plan for purchase gear and adapt their fishing techniques to capitalize on that full final trimester there.

CHAIRMAN GIBSON: I think I've heard what I needed to hear; and I think if the board is comfortable with that, certainly this year is going to play out however it plays out and we start the May fishing year with a new quota and a new possession limit and watch the performance of that and start talking within the region; and if

and when we're ready to come forward with a request for an action, we do that. There doesn't seem to any objection to that course of action. Thank you for the opportunity to talk about that. Is there any other business to come before the board? Louis Daniel.

DR. DANIEL: I just was hoping to get I don't know maybe some guidance or any suggestions I think from our discussion yesterday on Amendment 5 on how we move forward in the board with making comments. We're going to have an opportunity to review additional information. We're going to have the time now to be able to address the various components that are going to be delayed.

I'm assuming there is going to be several months probably to be able to have our technical folks and some of the state folks looking at making more specific and informed comments. I don't know how much time we're going to have, though, after the next board meeting because we don't have a schedule yet for when it is going to happen. I would suspect some time this summer, maybe, so I think we would need to have some discussions on our positions on this at our May meeting. We need some direction somewhere on what to do between now and the May meeting.

CHAIRMAN GIBSON: Thank you for that. We will make notes to that and make sure that we have an opportunity to do that and think that through before the May meeting. Margo.

MS. SCHULZE-HAUGEN: I don't know that we're going to have anything new out by May. I think August would certainly be a reasonable target. This would be an FMP amendment, so we would be looking at another 60-day comment period. That is I think as much as I know right now.

DR. DANIEL: Well, I just think we need to keep – I want to make sure the board is aware of all the various issues and the potential implications and ramifications of the restrictions so that we have an opportunity to see how that fits in with our coastal shark plan and provide any good comments that we need to NMFS as a board and a commission.

CHAIRMAN GIBSON: We will stay ahead of it the best we can and keep the flow of information. Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Mr. Chairman, given what Margo said there likely is not anything new by the May meeting; Margo and I can talk between this meeting and as the May meeting gets a little closer.

I think it was pretty obvious during the Policy Board that if there is anything new that the HMS staff would like to present to our board, we can find them more prime time on the agenda to get that in front of this group. I am not sure if that is May or August but Margo and I can chat; and if there is new information or questions that you have or the board, of whatever it is, we can handle that at the May meeting. If not, we can wait until August.

MR. JOHN CLARK: Mr. Chair, I just had a quick question if the commission knows how many states are facing Humane Society shark finning bills in this session? The new approach they're taking in Delaware and I know Tom has told me the same thing in Maryland is to allow possession in state but they can only sell the fins out of state. Of course, if they have the same bill pass in all states, there is going to be no place to sell them. I just wonder if they have any information.

CHAIRMAN GIBSON: I do not.

MS. HAWK: Right now I think different states have different legislation; so Maryland, the dealers cannot sell the sharks unlike in Delaware as you just described.

MR. CLARK: Well, the bill that is being proposed would allow possession of the fins but no sale within Delaware. They're proposing, well, go to Maryland and sell them there; but, of course, if Maryland has the same law, then they can't sell them there either. I was just curious if this is moving up and down the coast again.

CHAIRMAN GIBSON: Does anyone want to add anything to that? Tom.

MR. THOMAS O'CONNELL: The legislation in Maryland won't go away and it would prohibit dealers from selling a detached shark fin. There seems to be interest by the sponsor to exempt spiny and smooth dogfish, which I think is in the bill that is being considered in New York.

We have also tried to identify some chain of custody that would meet interstate and

international trade laws that would allow our fishermen to sell marked detached fins from the other shark species that we occasionally come across. That has been a challenge but we're still working on that.

### **ADJOURNMENT**

CHAIRMAN GIBSON: Are there any other comments from the board on that issue? Any other business to come before the board? Seeing none; is there a motion to adjourn? So moved and seconded by everyone. We are adjourned.

(Whereupon, the meeting was adjourned at 12:10 o'clock p.m., February 21, 2013.)