

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

**The Marriott Norfolk Waterside
Norfolk, Virginia
October 17, 2017**

Approved May 1, 2018

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4. **Move to elect Mr. Pat Geer as Vice-chair to the Coastal Sharks Board** (Page 15). Motion by Spud Woodward; second by Robert Boyles. Motion carried (Page 15).
5. **Motion to adjourn** by consent (Page 16).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Dan McKiernan, MA, proxy for D. Pierce (AA)	Rachel Dean, MD (GA)
Jason McNamee, RI, proxy for J. Coit (AA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Cathy Davenport, VA (GA)
Colleen Giannini, CT, proxy for M. Alexander (AA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Lance Stewart, CT (GA)	Michelle Duval, NC, proxy for B. Davis (AA)
John Maniscalco, NY, proxy for J. Gilmore (AA)	Doug Brady, NC (GA)
Sen. Phil Boyle, NY (LA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Emerson Hasbrouck, NY (GA)	Robert Boyles, Jr., SC (AA)
Tom Fote, NJ (GA)	Malcolm Rhodes, SC (GA)
Tom Baum, NJ, proxy for L. Herrighty (AA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Spud Woodward, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Nancy Addison, GA (GA)
Stew Michels, DE, proxy for D. Saveikis (GA)	Rep. Thad Altman, FL (LA)
Roy Miller, DE (GA)	James Estes, FL, proxy for J. McCawley (AA)
	Karyl Brewster-Geisz, NOAA

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

Ex-Officio Members

Doug Messeck, Law Enforcement Representative

Staff

Robert Beal
Toni Kerns
Kirby Rootes-Murdy

Jessica Kuesel
Caitlin Starks

Guests

Sign-In Sheet Not Distributed

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Hampton Roads Ballroom V of the Marriott Waterside Hotel, Norfolk, Virginia, October 17, 2017, and was called to order at 1:03 o'clock p.m. by Chairman Roy W. Miller.

CALL TO ORDER

CHAIRMAN ROY W. MILLER: I think we should go ahead and call the Coastal Shark Management Board to order. I'm Roy Miller; serving as Chair. I'm from the state of Delaware, so welcome to the Shark Board meeting this afternoon.

APPROVAL OF AGENDA

CHAIRMAN MILLER: You have an agenda, are there any additions or corrections to the agenda? Seeing none; I'm assuming it's approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN MILLER: The proceedings from the May, 2017 meeting that were the most recent meeting of the Shark Board. Are there any additions or corrections to those proceedings? Seeing none; I'll assume they're approved as they are printed before you.

PUBLIC COMMENT

CHAIRMAN MILLER: At this time I would like to call on Public Comment. As is our custom, this would be for items not specifically on our agenda. There is one person who would like to offer public comment; would you please step forward, and say your name please, and your affiliation?

MS. KATIE WESTFALL: Hi, yes this is actually for an item that is on the agenda. Will that be after the agenda item is addressed? Okay, I'll hold off then.

CHAIRMAN MILLER: That would be the best time to address it then. Just remind me when we get to your agenda item.

FINAL RULE FOR HIGHLY MIGRATORY SPECIES AMENDMENT 5B (DUSKY SHARKS)

CHAIRMAN MILLER: All right next on our agenda, we're going to go over the Final Rule for Highly Migratory Species Amendment 5b (Dusky Sharks). To lead off this discussion concerning the review of the final rule and NOAA Fisheries Request for Complementary Measures, I'm going to call on Karyl Brewster-Geisz. Karyl.

REVIEW FINAL RULE AND NOAA FISHERIES REQUEST FOR COMPLEMENTARY MEASURES

MS. KARYL BREWSTER-GEISZ: For those of you who don't know me, I work for NOAA Fisheries in the Highly Migratory Species Management Division. If you remember last spring, I gave a presentation about the final rule and requested for complementary measures then. I believe the Commission decided to think about it, review what the states wanted, and then we are at the stage now where NOAA Fisheries at least is hoping for the Commission to take on and implement some complementary measures for Amendment 5b.

I have a very quick presentation where I will explain the background of Amendment 5b, what we finalized, the implementation status of those measures, and then our request for complementary measures. If you remember, this is all regarding dusky sharks. It is a ridgeback shark found along the coast.

The stock assessment found they were overfished and experiencing overfishing, and a mortality reduction of 12 percent was needed to end overfishing immediately, and an additional reduction, so total reduction of 35 percent is needed to rebuild the stock by 2107. That is not a typo, it's not 2017, and it is 90 years from now, 2107. We have a bit of work to do to reduce fishing mortality by 35 percent. Our final rule published last April, and then I presented that to the Commission in May. One of the final measures we had was requiring that all recreational permit holders

obtain a shark endorsement; and this shark endorsement would allow you to fish for and catch and land sharks, not just dusky sharks but any sharks.

This will be required as of January. It is something that you can get when you apply for your HMS angling, HMS charter headboat, or a couple other permits. You watch a video that is up on our web page. You can look for it on YouTube or Vimeo or any of the other places. It's about two minutes long, it goes through how to identify dusky sharks and other ridgeback sharks, how to safe handle and release them, so you do not injure the shark, nor do you injure yourself.

It also talks about the circle hook requirements and the recreational regulations. In addition to the shark endorsement, we have updated our shark identification placard. If you remember, this is on waterproof, tear proof paper for anyone. We hand it out to tournaments who request it. Anyone can get them. I have a couple copies up here.

We created a prohibited shark identification placard that has the prohibited species, particularly ridgeback sharks, which is what we're focusing on, and on the back has handling and release techniques. We also updated our careful catch and release guide; and this guide goes through how to release not just sharks, but other HMS, including billfish and tunas and swordfish.

All of this is underway, and we've been getting really good response so far on the placards, the careful catch and release guide, the video, we've undergone beta testing for the quiz that people will need to take to take the shark endorsement. We've made some tweaks to the video so the new video will be available with the quiz.

Those tweaks were more focusing on the safety requirements. You do not have to use a dehooker, but we do ask everybody to release the shark with a minimum amount of gear. The

other measure we have for the recreational fishery is requiring circle hooks. The circle hook requirement is for anywhere south of Chatham, Massachusetts.

That is pretty much the northernmost range of dusky sharks. Some of the research particularly that by Angel Willey and Mark Sampson in Maryland showed that circle-hooks do have a very positive impact on fishing mortality; it reduces it by quite a lot. We have really begun outreach on this, and it is all in our outreach materials.

Commercially we are requiring that all fishermen with a limited access permit and pelagic longline gear, need to release sharks that they are not planning on keeping by using a dehooker, or by cutting the gangion less than three feet from the hook. Again, all of our pelagic longline fishermen are trained in how to use a dehooker; but if they deem it unsafe to do so, given the activity of the shark, they need to cut it with a minimum amount of gear.

This minimum amount of gear is more of a commonsense effort to try to minimize fishing mortality; so that shark when it's released has the opportunity to survive, thus reducing fishing mortality. We also implemented how to do this and how to identify sharks for commercial fishermen; by having a new shark segment in our safe handling and identification release workshops. These workshops were already required. We are not including a new segment on shark identification. We have increased dusky shark outreach and awareness tremendously; we've included some more commercial outreach materials, and require all pelagic longline, bottom longline, and shark gillnet fishermen to abide by dusky shark fleet communication and relocation protocol.

What this means is if they catch a dusky shark they need to let other vessels in the area know there are dusky sharks in the area; and they need to move one nautical mile, once they pull up their gear, to try to get away from the sharks. This is the same requirement we have

when it comes to marine mammals and sea turtles; so we again felt this was a commonsense measure, to try to move away from the dusky sharks.

Then the last alternative we have for them is requiring the circle hooks in bottom longline gear. We already require circle hooks for sea turtles in the pelagic longline fishery. Now we will be requiring it in the bottom longline fishery as well. This slide, I'm not expecting you to be able to read it. It is just a summary of all of that.

All of these measures are already in effect, some of those commercial measures, or will be in effect come January 1st. Then this is our request that you help us with the outreach and education, and provide links to some of our materials or create your own materials; that you collaborate on the development of best practices for the handling and release of sharks when shore or pier fishing.

Again, all of our handling and release is from the vessels; because we are in federal waters. We're really looking to the states to drive the development of best practices up and down the coast, so all fishermen know how to release sharks when they catch them from that pier or on the beach. We're also asking the states to consider requiring circle hooks in your various hook-and-line fisheries.

This could be your recreational fisheries, but it could also be some of your commercial hand gear or commercial short lines. We are asking that you require fishermen to maximize gear removal before releasing sharks. This doesn't mean they have to use dehookers, but maybe just cutting with the least amount of gear as possible remaining on the shark. Then also consider cooperative research with us to improve estimates of duskies.

We talked a lot about that at the Technical Committee last time, have had some conversations with various states. I think we're moving forward somewhat on that. If you

haven't started thinking about it, it would be good. Again, all of these measures we implemented are needed; in order to reduce fishing mortality on dusky sharks by 35 percent. We really need all of the states to help with this; in order to end overfishing and rebuild this species. Thank you.

CHAIRMAN MILLER: Thank you, Karyl. Are there questions or comments relative to Karyl's report; in the back, Pat?

MR. PAT GEER: Karyl, thank you very much for that. I'm just kind of curious. How have the measures that have been in place since June been received by the commercial fishery? I mean they have about four months so far. What are you hearing from the commercial sector?

MS. BREWSTER-GEISZ: The commercial sector has not come back saying that these are unreasonable requests. They are already taking the course in the workshops. They've been doing that since June. For the most part it's good. We've gotten some questions back from the workshop; so we might be making some changes to that presentation that they give. As far as I know things are going well with the commercial fleet and the measures that are already in effect.

CHAIRMAN MILLER: Are there any other questions or comments? David Bush.

MR. DAVID E. BUSH, JR.: Thank you for your presentation. A quick question for you, on the previous slide I think it was where it said these final measures will end overfishing. Is that based on what is already, or what has already been implemented, and anything the states do above and beyond that is additional, or is this with the assumption that the states will have complementary measures?

MS. BREWSTER-GEISZ: To end overfishing we needed a 12 percent reduction in fishing mortality; and we felt that the commercial measures that are already in place, or went into

place on June 5th, would have achieved the 12 percent. We also believe that with the states onboard, we can reach that 35 percent that is needed to rebuild the stock.

CHAIRMAN MILLER: Are there any other questions?

LAW ENFORCEMENT COMMITTEE REPORT

CHAIRMAN MILLER: We'll proceed to the next item; and that is the Law Enforcement Committee Report, and for that I'm going to call on Doug Messeck from Delaware; who is representing the Law Enforcement Committee today. Doug.

MR. DOUG MESSECK: I'll be breezing over real quickly – and thank you for the opportunity to come here and speak to you all today – will be the memo from a conference call that we had several months back. What we reviewed and we discussed were some of the implementations that we're going to go over.

Under the federal waters the LEC did agree that the online training video and questions had merit; but it would provide some difficulty to enforce. What we are recommending at this time is continue using this as an outreach and educational tool, and also extend this over to enforcement officers up and down the coast, so that they also have the training in being able to identify the sharks.

The possession requirement of carrying some certification, if you have that onboard, individual person that would be adequate for enforcement purposes; but it would have to be something that is consistent amongst all the states so that we would know what we're looking for in the federal waters. Discussion of implementation into the state waters on this.

It was our recommendation that this somehow be combined to the HMS permit; so that when you received your HMS permit you took the online training, and then that became part of the general HMS that was distributed.

However, we did realize that would not take into account the shore fishermen and the beach anglers and the peer anglers; who do make up a large part of this.

As far as the recreational for the non-offset and non-stainless with the circle hook requirements, that does prove very difficult for enforcement purposes, because it comes down to targeting. It will take a lot of personnel hours to sit there to watch these folks; to know exactly what they're fishing for and being able to ascertain that yes they are targeting sharks, they are catching them, and they are doing this. That will be very time consuming, very hard to enforce. Several states already have circle hook requirements in for striped bass. They are effective; but they are very time consuming, and they are hard to enforce. Once a person leaves that area, if they have the sharks onboard and they have left that area, at that point you're not able to ascertain beyond a reasonable doubt that they did in fact catch those fish under the J hook or the circle hooks.

Once they've left the fishing area then enforcement is going to end at that point. The commercial circle hook requirements would be not a problem for enforcement, because they are in that directed fishery. They're going to be out there and their gear is more concise and more contained, so it would be no problem to the commercial end of it.

The gear removal, the LEC had very strong recommendations for the potential safety of the fishermen; that they be granted leeway with personal safety being the biggest factor. We feel that the use of certain gear should not be required, but to require having the gear onboard is easily enforceable, but you have to have the leeway, as far as those persons using that whether or not it is safe for that fisherman to release that fish.

CHAIRMAN MILLER: Thank you for those comments, Doug. Are there any questions for Doug? Michelle.

DR. MICHELLE DUVAL: Thank you for the Law Enforcement Committee report, Doug. I was a little bit confused when the Law Enforcement Committee was discussing the online training course. I was having difficulty understanding if the Law Enforcement Committee was recommending that the states require that the online training course be taken; and that the federal permit, in other words the federal endorsement for recreational fishing be required by the states as well. It just wasn't clear to me if you all were recommending that or not.

MR. MESSECK: For the federal waters with taking the course and the online, and then printing out some type of certificate and having it onboard the boat, we were in support of that; although we wanted to see it more educational based with going out there rather than requiring it, because of the enforceability issues.

We have to have something onboard that shows it is unique to that fisherman that they have it, and then a fisherman that comes out of say Maryland, who is fishing off of New Jersey waters. They may encounter different jurisdictions that we have something that is consistent throughout the states. But it was enforceable that on the federal level, if they were in the federal waters and they had some type of certificate that was printed out to that person that would be easily enforceable.

As far as coming back into the states that is where our recommendation was that an addendum be made to the HMS, so that this way it covered both state and federal waters, rather than each individual state trying to come up with their own regulations that may be different as you go up and down the coast. Our main goal in all this was to have the highest level of consistency.

CHAIRMAN MILLER: Are there any other questions or comments regarding enforcement? Emerson.

MR. EMERSON C. HASBROUCK: My question is looking for some clarification. I thought, and perhaps incorrectly that anybody who had an HMS permit had to abide by those HMS requirements; regardless of the fishery, whether they were fishing in federal or state water under that federal HMS permit. Is that correct or not correct?

MR. MESSECK: For the HMS for the tunas it is requirement that you're in state or federal waters. For the sharks there is that exemption in there. If you're fishing strictly in state waters then you do not have to have the possession of the HMS permit.

CHAIRMAN MILLER: Karyl, did you want to comment on that?

MS. BREWSTER-GEISZ: Yes, thank you. I just wanted to clarify. If you have a HMS permit, yes you are required to follow the federal regulations regardless of whether you are in state waters or federal waters, unless the state has more restrictive regulations. If you are only fishing in state waters, and you never go into the federal waters, then you are correct that you only need that for tunas; which we manage all the way to the shore. But for sharks you do not need a federal permit.

CHAIRMAN MILLER: Eric.

MR. ERIC REID: It is just the comment about being able to get a permit online. I think that's a pretty interesting solution, maybe? I'm a shark dealer. I have to physically go to a class so I can ID sharks. I'm handling them; they're dead when I get them, so maybe it's a handling thing. But I have to physically go to a class.

Every three years when I have to renew, I have to go back to a class. I just think it's interesting that the recreational guys can go online and print out a certificate; and I've got to drag my butt to class every three years. I don't know if you can change that. It doesn't have anything to do with dusky sharks; but it has permitting in

general. I've talked about that before, but I don't seem to get anywhere, Mr. Chairman.

CHAIRMAN MILLER: Do you have any comment to that, Karyl?

MS. BREWSTER-GEISZ: Yes, we do require that all of our shark dealers go to a class every three years; where they have hands-on instructions for seeing the sharks in those, because what the shark dealers are doing, they need to be clear and identify every shark to species on their dealer reports, which is critical for our quota monitoring purposes.

Some of our shark species have pretty small quotas; and we need to make sure we're getting the correct identifications. The shark fishermen, there are thousands of them compared to hundreds of the dealers. We would love to be able to require that all shark fishermen when they go out fishing get that hands on requirement; but it's just not possible for the recreational fishery, where you're talking about 20 or 30,000 people going, some of them just going out once for a weekend.

We are requiring this video now; which shows some of the main features, particularly of the species that are important or critically important at the moment, and those are the ridgebacks. Those of you who will remember, I believe it was the Edisto tournament in South Carolina, where fishermen clearly landed ridgeback sharks. It's because they were not aware of the regulations and how to identify ridgeback shark, let alone whether or not those were duskies or sandbars or silky or any of the other ridgeback sharks. We're trying to, in our endorsement video, trying to point out those indications of what you should not be landing. We do not intend for all the recreational fishermen to become shark experts.

Shark dealers however, they have a commercial stake in this. They should be experts. We are considering other ways. We have heard comment like yours before that it's every three years; shark identification doesn't change that

frequently. Maybe we should change it. We're considering things like that; but at the moment this is where we stand.

CHAIRMAN MILLER: Thank you for that clarification, Karyl. Okay, Eric?

MR. REID: Thank you, Mr. Chairman; I won't take any more time.

CHAIRMAN MILLER: Are there any other hands. Tom Fote.

MR. THOMAS P. FOTE: Karyl, have you thought about through the Chair, have you thought about doing a video for the surf fishermen? I've noticed in the last couple years there are a lot of clubs that actually have where they meet at night and they all shark fish. Everything is released, nothing is kept.

But the handling of how you handle sharks in the surf, it would be nice to basically be able to send them to a site, and when I see one of the clubs scheduling some night like this. I say why don't you all go look at the video before you basically do that? It's becoming very popular. I mean guys do it.

They basically have big gear, like they were doing it for the last 30 years they were catching a lot of brown sharks in the bays and things like that. But all those sharks are really released; but it would be nice if you had a handling video that we could basically show to them, because as we tried in New Jersey, as we demonstrated with summer flounder, we're trying to promote how you handle fish and release them carefully.

MS. BREWSTER-GEISZ: Thanks, we would actually love to do a handling and release video. One of the problems we've had with the video we have now for the sharks is some of the anglers, particularly those up off of New England that handle some of our big blue sharks and mako sharks, say that the sharks we're showing in the video are a little too relaxed.

They are not the type of sharks they see. They see sharks that are all over the place; struggling to get out. They are having trouble getting us video of that to put it in. I would urge you that if you have any video that you would like us to do, get us a request. But then also, if you have the video itself, we would love to have it to be able to use.

MR. FOTE: These guys shoot videos of everything they do nowadays. If we put out a release and ask some of the clubs, basically when you're doing this if you shoot a video, please get it into us. We want to use it as a training video to look at. Of course you have to use circle hooks, you've got to be abiding by the laws if you do that. We need some instruction. If you help me write up something like that I can get to a bunch of clubs that do that; and maybe it would help in obtaining footage.

CHAIRMAN MILLER: John.

MR. JOHN MANISCALCO: I would just second the need for that kind of handling video. New York State is also seeing an increase in shore fishing for prohibited species like sandbar, sand tiger and that kind of thing. Any positive outreach would be helpful.

CHAIRMAN MILLER: I would just add that although I'm not aware of a video generated by Delaware, I think they're the only state that has regulations with regard to recreational release of sharks. We'll get into that summary of the states, how the states react to releasing sharks, and what guidance they provide in a minute. But I just thought I would throw that in here now. Are there any further questions or comments on this?

TECHNICAL COMMITTEE REPORT

CHAIRMAN MILLER: Seeing none; I'm going to call on Kirby for a report of the Technical Committee; in their review of these federal measures, Kirby.

MR. KIRBY ROOTES-MURDY: As mentioned, I'm going to go through the Technical Committee

report. First is just some brief background. As you all know, the last time the Board met was in May, 2017, and there was a request for the Board to consider cooperative research with NOAA Fisheries to improve the estimates of dusky and other sharks caught in state waters.

The Technical Committee met via conference call on June 2, to discuss the provisions of Amendment 5b. I will note that I was not on that call; Karyl was. She might back me up if I misspeak on any of these points that were raised by the Technical Committee. For Amendment 5b, NOAA Fisheries is interested in trying to collect additional fishery dependent data for future stock assessments; as Karyl mentioned.

Currently the shark dependent data, they are pulling that from five commercial vessels that have 100 percent observer coverage in federal waters. Regarding the gear, they're using bottom line and they're limited to no more than 300 hooks. What that means is that for each trip fishermen can make two sets only; the first no more than 150 hooks can be set, and then on the second set no more than 300 hooks.

Fishermen must keep all dead sharks; that's unless they are prohibited species or the fishing season is closed, and the fishermen are allowed to fish for and sell sandbar sharks. Some of the challenges that the Technical Committee raised regarding extending research into state waters were the following.

Fishing for sandbar sharks is prohibited in state waters for many states; and current bottom line gear length may exceed the requirements of short lines that are used to fish for sharks in state waters. Fishermen many times can keep over their commercial retention limits, as well as fishing for coastal sharks based on a quota other than the aggregated, large, coastal sharks quota is also a problem. What we mean by that is that the season may be closed for other large coastal shark fishermen.

The group discussed the language also in Section 4.3.82 regarding the display and research permits of the coastal sharks FMP. As noted in the document, a state may grant exemptions from the seasonal closure, quota, possession limit, gear restrictions, and prohibited species restrictions contained in the FMP through a state display, or through a research permit system. Then states also required NMFS to apply for a research permit; which is not automatically or always easily obtained. Next we have a couple of state-specific notes. First was from Georgia. Although it's allowed in the coastal sharks FMP, longlines and gillnets are not allowed in state waters. No current, commercial fishery is currently taking place, and therefore there was not a need for fishery independent data collection. Over 17 plus seasons of fishery independent data collection, and no documented dusky sharks have been found in Georgia's territorial waters.

Five species though have been encountered; and those are Atlantic sharpnose, bonnethead, blacknose, blacktip, and sandbar sharks. Other state notes were with regards to North Carolina. There were two main concerns that were raised regarding shark research in state waters. The first is that North Carolina has a scientific permit application that requires applicants to be affiliated with a research institution.

The second is that accurate reporting of research landings versus commercial landings is somewhat of a problem. Currently there is one North Carolina fisherman who participates, and is not affiliated with a research institution. NOAA Fisheries is in turn responsible for the scientific permit, though legally they are not.

From my understanding the application issue would need to be resolved before the landings issue could be addressed. Highly Migratory Species Division of NOAA will have further discussions with the state of North Carolina on this; and maybe Karyl can speak to that if any progress has been made on that.

Then lastly, if there is a potential fix regarding the commercial research landings, HMS could ask the fishermen to sign an agreement that lets HMS forward the landings data to North Carolina. This would then allow North Carolina to accurately depict commercial and research landings on North Carolina's trip ticket system.

Wrapping up additional state notes, we have South Carolina, and Virginia and Florida. For South Carolina that state will allow a research fishery in state waters, if the individual has a South Carolina scientific research permit. Virginia and Florida there was a request made on that call about an allowable gear type in state waters; if they could allow research fishery in state waters. I have not heard word back on that as of yet, maybe Rob can speak to that.

Regarding Florida, they currently have a ban on longline gear and gillnets in state waters. That will not be lifted for shark research. Last, as noted in the TC report, NOAA has a shark tagging program, and there were some questions on angler participation in that program. South Carolina currently has anglers required to have a scientific research permit to tag a fish.

Florida requires a special activity license for all fish tagging. Massachusetts, Maryland, North Carolina and Georgia, do not require anglers participating in a cooperative tagging effort to have a scientific research permit. With that I will take any questions as best I can. Thank you.

REVIEW STATE FEEDBACK

CHAIRMAN MILLER: Are there any questions for Kirby? I'm going to call on Kirby again to provide state feedback on the review. That was through the auspices of a poll, and Kirby will tell us about it.

MR. ROOTES-MURDY: I'll go through this pretty quickly; just as background, as you're aware there were questions posed to the states following the May board meeting. I'm going to

walk through the summary of that feedback that we got from the states. Just to be clear, we received feedback. We set a deadline of May 31, and we got feedback from the states of New York south through Florida. They provided responses to those questions. We didn't hear anything from the states north of New York up through Massachusetts or the state of Maine that I'm aware of. The three questions that were asked were, and a number of them had subcomponents, and I can get into those if there are follow up questions.

But the three questions were; does your state have communication materials currently to address best practices when fishing for sharks from shore or piers? The second question is; does your state require circle hooks when fishing for sharks or other species? The third was; does your state have measures to maximize gear removal before releasing sharks?

That's either release using a dehooker, or cutting the gangion line less than three feet from the hook. Question one; in terms of the responses they were nearly split. Four were yes, five were no, some qualified those answers. Nearly all were in favor of the sub-question of requiring communication materials.

Many are not interested in making it mandatory. Many noted that the Commission and/or NOAA should help with developing those materials, and material information should be consistent if implemented across all the states. Regarding question two, does your state require circle hooks?

Predominantly it was a no for most states. That would be New York through Delaware, North Carolina, and Georgia through Florida. New Jersey, Delaware, North Carolina and Florida all require circle hooks for other specific species. Maryland, Virginia and South Carolina regulate short lines for the commercial fishery.

There was a sub-question about whether the Commission should require circle hooks. This was fairly evenly split, in terms of two were against three were for, and four states either

didn't answer or were neutral on the question. The last main question was does your state have measures to maximize gear removal?

A majority of the states do not, only three states currently have these measures or similar measures in place; and that's New York, Delaware, and Virginia. Just to note, the state specific responses were included in your meeting materials, so please look through that if you have specific questions on an individual state. But with that I will take any questions on my summary.

CHAIRMAN MILLER: John then Michelle.

MR. MANISCALCO: Just a note. I believe New York State does have a circle hook requirement for sharks.

MR. ROOTES-MURDY: Thank you, John, I'll make that noted. Sorry.

CHAIRMAN MILLER: Michelle.

DR. DUVAL: In terms of circle hooks, I mean we do require, in addition to what was noted in the survey. I mean we do require the use of circle hooks for the short lines for the coastal shark's fishery for the commercial sector of the coastal shark's fishery. Then also in our proclamation, which has the force and effect of rule. We do have language that is very similar to Delaware's regulation on the books; where it states it is unlawful to fail to return all sharks not meeting harvest requirements to the water in a manner that ensures the highest likelihood of survival, which I think is very similar to what Delaware has on the books right now. I just wanted to make those two notes.

CHAIRMAN MILLER: Thank you for those additions. Are there any other comments or questions on the poll that was distributed and described by Kirby? Jay.

MR. JASON McNAMEE: I will first start by apologizing to Kirby. I have an e-mail crafted up. It's well within the realm of possibility that I

just never hit send. I'm guessing it is past relevance at this point, but if not I would be happy to send it to you. To cut to the chase, I don't think Rhode Island would have tipped the balance in either direction in the poll, for the answers you have already. But I just mostly wanted to apologize for not responding.

MR. ROOTES-MURDY: Thank you, Jay. Just to that. If folks have questions on Rhode Island's requirements or answer to those, then you can direct those to Jay and he can answer them in this meeting.

CHAIRMAN MILLER: Are there any other comments or questions?

CONSIDER COMPLEMENTARY MANAGEMENT MEASURES FOR STATE WATERS

CHAIRMAN MILLER: The last item under this subheading would be to Consider Complementary Management Measures for State Waters. We list possible action for that agenda item. Are there any recommendations from the Board? It doesn't have to be in the form of a motion yet, but any comments or recommendations? Dr. Duval.

DR. DUVAL: It sounds like, just from my reading of all of the survey responses that most states were in favor of or amendable to including links on their websites to educational outreach materials that would link directly to the HMS website, in terms of the educational video online. I think just in terms of making that a requirement.

I'm not so sure we would necessarily support making it a requirement or a compliance requirement. My sense, and other states can speak up is that most folks were amendable to including that information on their website. I do agree with the states that indicated, in terms of providing additional outreach materials for shore or peer-based-recreational fishing for sharks.

We would probably look to the Commission and HMS to take a coordinated approach to developing those materials, just to make sure that there is a consistent educational message going out to all anglers, with regard to best practices and safe handling of those sharks. I do have some other comments on the research fishery, and complementing that in state waters, but I'll hold off and maybe just tackle these things one thing at a time.

CHAIRMAN MILLER: Is there any response either to Michelle's comments or any comments on this particular topic or suggestions? Rob O'Reilly.

MR. ROB O'REILLY: The correspondence here with Michelle is pretty much the same. The outreach is really good. I see from the survey that maybe some states are hoping to be provided the information. But certainly that's supportable, putting as a requirement based on the feedback that I heard from the Advisor, at least the director of the Advisory Committee is that all along most of the states were not looking for that. I think that probably my comments are very similar, and I won't wait to talk about the research part. But I know that Kirby asked me about that earlier and mentioned that I might address that. I think other than longline, Kirby, I think that is probably the gear that is prohibited, so just wanted to add that now if I may.

CHAIRMAN MILLER: In thinking about this prior to the meeting, I decided there are three possible courses of action. Obviously the default is doing nothing additional. A second course of action would be as Michelle suggested, having voluntary access to the educational materials that link on state's websites linking to the federal guidance in this regard.

Then the third option would be some sort of mandatory compliance. Thus far the only comments that I've heard from anyone, and Robert, I'll get to you in just a second, would be for the second alternative, namely voluntary

compliance with perhaps a common message available. Robert.

MR. ROBERT H. BOYLES, JR.: The state of South Carolina has long adopted a policy of complementary management; specifically for sharks in state waters, for a variety of reasons. I must point out to the Board however, that our Legislature has been very, very clear in terms of recreational angling requirements.

I should preface this to say that we have required a saltwater recreational fishing license since the early 1990s. We were one of the first states to do so on the east coast, but I would like to read from the South Carolina Code. "However, no federal recreational angling permit, or federal charterboat headboat permit is required for the taking or possession of sharks in the water of the state."

Our General Assembly has made a very, very strong policy statement with regard to federal permitting requirements in state waters. Insofar as I represent the state of South Carolina, and given South Carolina's history, vis-a-vis federalism, I think it would just be helpful for the Board to make note of that. But having said that I think the idea of complementary management measures, both from ease of the compliance, as well as making accessible those educational materials is very important.

CHAIRMAN MILLER: Are there any other comments or suggestions? Do the states feel they have sufficient guidance at this point to press forward with this issue? Michelle.

DR. DUVAL: Well I'm not shy. Again, we don't have any problem with providing links to the materials that HMS has produced on our website. You know we would be happy to do so. I think perhaps receiving, if that link could be e-mailed directly to us, we just want to make sure that we're providing the appropriate link to those materials. Then as I said, we are absolutely supportive of additional materials that would assist anglers who are fishing from peers or from shore.

Our concern is just that whatever we are linking to everybody is linking to the same information; so that it is a consistent educational message. I think from North Carolina's perspective we have no problem moving forward; and providing links on our website to the videos that the Highly Migratory Species Division has already produced.

CHAIRMAN MILLER: Assuming this is the path forward for us, Karyl. Could you provide the exact links to everyone, to every coastal state to make sure that in our educational materials they reach the right source?

MS. BREWSTER-GEISZ: Yes, we are actually putting the video, along with our questions, up on our permit web page for educational purposes. Anybody can go to the permit web page and see the video and take the questions. That will happen when we make the switch over to issuing 2018 permits; so that should be November timeframe.

Anyone will be able to watch the video, take the questions. The answers to the questions have links to all of our materials. The question that I have for all of you actually is I'm hearing some messages that you would like consistent, or at least some of the states would like consistent shore and peer-based best practices, which I'm all in favor for. The question is more of, is that really what I'm hearing and how do we start that process?

CHAIRMAN MILLER: Yes the question is who will tailor made this advice for shore and peer fishing? Obviously we're not going to resolve that just at this particular juncture. But certainly Karyl can provide the linkage to the federal websites, at least for vessels fishing in internal waters for sharks. It will be up to the states to provide links to that information, provided in our education and outreach materials.

I'm not hearing any consensus or any suggestions even, towards making that mandatory. But it appears to be a voluntary

compliance measure. Are there any differing opinions on that or is everyone pretty much on the same page that it should be voluntary? I'm seeing some heads nod for the voluntary. Does anyone feel otherwise on that? All right thank you. Michelle, I think you wanted to raise another issue as well. Did you not?

DR. DUVAL: Yes, just I think a couple things. I think one of the other questions that was raised was, and I think that NOAA Fisheries has requested complementary measures for is the use of circle hooks when fishing for sharks. As I indicated that is already a requirement for the commercial fishery in North Carolina, when fishing on coastal sharks within state waters.

That is already a requirement of our proclamation. We do have concerns, which for folks who read through the materials would have seen, with regard to having a circle hook requirement for recreational fishermen. I think this is reflective of what the Law Enforcement Committee pointed out, the issue is determining targeting.

Our concern was also that anglers are likely to be much more receptive to a positive encouragement to use circle hooks as part of best handling practices when fishing for certain species, as opposed to making this a mandatory compliance element. I just wanted to reiterate that is where North Carolina stands on the circle hook issue. We would prefer to provide positive encouragement, rather than making that a mandatory requirement within state waters.

I think the folks who are fishing, engaged in directed fishing for sharks in federal waters. Those are folks who are really shark fishermen. That is what they plan to go out and do, and I think for a lot of anglers fishing within state waters, they are not looking necessarily to target sharks. I'm not saying everybody, but they're not necessarily looking to target sharks. If they happen to pull up a shark, and are faced with a compliance of having to use a circle hook. We're just concerned that that is actually

going to have a negative impact, in terms of angler attitude. Thank you, it sounds like Robert wants to speak to that point, and then I'll come back to the research permit.

CHAIRMAN MILLER: All right, I'll call on Robert.

MR. BOYLES: Dr. Duval said it very, very well. I mean in addition to sharks there are a number of species that we're watching now that we are developing and have developed best practices for. Circle hooks are a very, very big part of that; leader lengths, fixed weights, those kinds of things, in the red drum fishery for instance.

We already have a very vibrant outreach campaign now, and certainly think that this is in keeping. I agree with Dr. Duval's comments. You are concerned about targeting, specifically recreational fishermen fishing in state waters could be out shark fishing, could be out red drum fishing, it could be flounder fishing.

I think it makes it puts our Law Enforcement Division in a very difficult spot, in terms of looking at those violations. The last thing I would like to say is you know we have found a good success, in terms of engaging the recreational anglers as partners in stewardship and conservation with these voluntarily measures, as opposed to mandatory measures.

CHAIRMAN MILLER: Are there any further comments? I take it, by the fact that no one has additional comments that there is no one that feels that circle hooks, for instance, should be mandatory in state waters for fishing for sharks. But that no one would oppose any given jurisdiction from providing additional outreach materials recommending circle hooks when fishing for sharks. Is that a fair summarization of the general feelings of the Board?

I'm not seeing any negative responses, so I'll take that as a positive. Have we covered everything on this particular agenda item? Is there anything further we need to take care of? There was a public comment, and I think it was

on this agenda item. Would you come forward and identify yourself, Katie? Thank you.

MS. WESTFALL: Good afternoon, my name is Katie Westfall; I'm the Senior Manager of Highly Migratory Species Advocacy at the Environmental Defense Fund, and a member of the Coastal Sharks Advisory Panel. I appreciate the opportunity to provide public comment today on this agenda item, and strongly support the Commission adopting complementary management measures to Highly Migratory Species Amendment 5b, which aims to end the overfishing of dusky sharks, and rebuild their population.

It sounded like there was interest in voluntary measures; but specifically I would like to strongly encourage the Commission to require that anglers fishing for sharks obtain a shark endorsement, including the completion of online shark identification and fishing regulation training course. As you know, at least 19 shark species are prohibited in both the federal fishery and according to the ASMFC Coastal Shark Plan, including dusky sharks.

Unfortunately, many sharks caught intentionally and accidentally in recreational fisheries fall into this prohibited group. Over the past decade on the east coast alone, 1.2 million prohibited sharks were caught in both state and federal waters, along with an additional 17.5 million sharks that were reported as unidentified; because anglers either did not or could not identify at the species level. While some of these sharks will survive after release, many will die after being mistakenly landed or mishandled, because anglers do not know fishing regulations, safe handle and release practices, or how to identify the species. The landing of dusky sharks, for example, has been prohibited since 2000, but overfishing continues.

Recreational fishing in state and federal waters represents the largest source of interactions with dusky sharks by an order of magnitude, highlighting the need for increased stewardship

by anglers. For a species like dusky sharks, which is prohibited due to its vulnerable life history characteristics, even low levels of mortality harm that population and hamper recovery efforts.

Recent research suggests that anglers themselves under appreciate the impact they can have with catch and release fishing; and at the same time studies indicate that education efforts that train fishermen to safely handle and release sharks, can reduce the amount of mortality that occurs after release.

It's particularly important that the Commission takes action to adopt complementary measures to this endorsement; because tens of thousands of individuals fish for sharks from boats, piers, and shorelines on the east coast. Indeed, this estimate may be low by an order of magnitude, as these numbers are not currently known.

As noted in a recent study, it's also important to recognize that land-based-shark fishing has the potential to cause more stress to sharks as they're dragged over rough terrain onto the shore without the buoyant support of water. This type of handling makes sharks more susceptible to injury, and less likely to survive if released.

Requiring an endorsement and related training would increase the ability of anglers to correctly identify dusky and other prohibited sharks, comply with regulations, and safely handle and release these sharks. Thus, adopting this measure would aid in the rebuilding of the dusky shark population.

Further, these measures would help to improve the data for the recreational sector in state waters, as it would increase the chances that anglers are correctly identifying shark species. It would also help to identify the universe of fishermen who are targeting sharks, which could provide a population to sample from, in order to improve recreational estimates for dusky and other sharks.

In addition to the shark endorsement, we recommend that states expand outreach and educational efforts to recreational fishermen in state waters, which could include trainings and workshops. In order to implement such an effort, at a minimal cost states could use the NMFS produced outreach materials that we talked about today.

In addition to those materials, it was heartening to hear the support for the development of shore-based fishing best handling practices, as that is currently missing. Thank you very much for the opportunity to comment on this important issue, and for your consideration of the recreational shark endorsement.

SET 2018 SPECIFICATIONS

CHAIRMAN MILLER: Are there any questions or comments to direct to Katie, before she walks back? Seeing none; thank you very much. All right, we'll move on to the next to the last agenda item, and that is set the 2018 Specifications for shark fishing. I'm going to call on Kirby, initially to tee that up for us.

MR. ROOTES-MURDY: I'm going to actually pass it down to Karyl; who has a PowerPoint ready for it.

MS. BREWSTER-GEISZ: I will be really fast on this. This is in regard to our proposed rule for quotas, opening days, retention limits for the 2018 Atlantic shark commercial fishing season. I am focusing only on the Atlantic Region. We issued a proposed rule in August. Real short summary, this proposed rule proposes the exact same thing that we implemented in 2017.

The exact same quotas all around, which means that Atlantic smoothhound sharks, which is essentially smooth dogfish in the Atlantic, has an increase, because they under harvested the quota. Everybody else has the base quota that we have set up. We are proposing opening all shark management groups on January 1.

We are proposing that the large coastal retention limit be 25 sharks other than sandbar per vessel per trip. If the quota is going really fast at the beginning of the year, we would reduce the retention limit, probably to about three. That's what we did this year. Come July 15 or so, we will increase it back up to 36, is what we proposed.

This is pretty much exactly the same that we did this year. Except for a couple modifications in the retention limit, it's the same that we did in 2016; both in 2016 and 2017 the large coastal fishery continued through the entire year. We are not expecting it to close at this point. Comment period ended on September 21. We did not receive any comments opposed to this. We did not receive any comments from any of the states.

We had a couple comments from people generally about shark fishing, some people who don't like shark fishing at all, and wanted us to close all commercial fisheries, and some people who were supportive of having quotas but were concerned about the enforcement. Other than that all the comments we received were in favor of what we proposed for the Atlantic. We are working on the final rule. Here are all the numbers in a really small font, so I'm not going to read it to you. You can look at it on your own.

CHAIRMAN MILLER: Are there any questions for Karyl? Seeing none; I'll look to the Board for a possible motion. Rob O'Reilly.

MR. O'REILLY: Thank you, Karyl, and as I stated last year, it's really important that over time NOAA has been able to allow other states to enjoy the fishery. That's certainly the case in Virginia. We're very happy about that. With the variable possession limits that's made all the difference, and after July 15, we are able to pursue some sharks, which is good.

Thank you again, and my motion is move to approve the 2018 Coastal Shark Specifications via an e-mail vote after the NOAA Fisheries

publishes the final rule for the 2018 Atlantic Shark Commercial Fishery Season. This is not a precedent, this has happened before where we've had the e-mail vote.

CHAIRMAN MILLER: Does anyone care to offer a second? First hand I saw, is that Tom Baum? Tom. **Is there any discussion on the motion? Seeing none; are we ready for a vote? Is there a need to caucus? Is there any opposition to approving this motion? Seeing none; I assume it's approved as offered. Thank you.**

ELECT VICE-CHAIR

CHAIRMAN MILLER: The last agenda item is we need to elect a Vice-Chair. Does anyone have a suggestion? Spud.

MR. A.G. SPUD WOODWARD: I would like to nominate Patrick Geer for Vice-Chair of the Coastal Sharks Board.

CHAIRMAN MILLER: **Is there a second? Robert. Are there any further nominations? Seeing none; congratulations, Pat. You're the new Vice-Chair. (Applause)**

OTHER BUSINESS

CHAIRMAN MILLER: All right, is there any other business to come before the Shark Board? Michelle.

DR. DUVAL: Sorry, not to go back to a previous issue, but I just wanted to make a quick comment on the shark research fishery, and the request by HMS to develop cooperative research opportunities in state waters. I know we struggled with this in North Carolina a little bit, because of our regulations, and it is in regulation that we do require a scientific or academic institution to be the holder of that permit, just so that we do not have individuals applying to do "research".

We just want to make sure that there is valid, scientific research being done. I don't anticipate that those regulations will change, so we're going to have to try to work towards

some solution. But because we do want to support those types of research activities in state waters where we can, you know I did note that we do have one individual who participates in that fishery right now.

There was a researcher from the Northeast Fishery Science Center, I think a Mr. Milliken who did obtain one of our Scientific and Educational Collection Permits, in order to work with this individual. Perhaps Karyl and HMS staff can look into that and a similar solution can be found.

CHAIRMAN MILLER: Thank you for that suggestion and the comment, Michelle. Is there anything further for the good of the Shark Board? Toni.

MS. TONI KERNS: Not necessarily for the Shark Board, but I did want to make an introduction, who I haven't even made myself an introduction yet. Some of you may remember Najih Lazar; he used to work for the state of Rhode Island, and now he is at the University of Rhode Island, Coastal Resources Center. He is here with a delegation of folks from Ghana; including their Deputy Minister and their Director of Fisheries. They are here to learn about the Commission and our process.

They too have a fisheries commission that they are working to get together to work on rebuilding their fishery resources. They're here to just learn about our process. They will be here tonight with us at the annual dinner. I don't know if you gentlemen want to stand up so folks can see you, or just say hello. Please make sure folks introduce yourselves, (Applause) and let them know how our Commission works. That is it. I think we'll start Eel on time at 2:30.

ADJOURNMENT

CHAIRMAN MILLER: Welcome, and if there is nothing further, I guess we're adjourned.

Proceedings of the Coastal Sharks Management Board Meeting October 2017

(Whereupon the meeting adjourned at 2:10
o'clock p.m. on October 17, 2017)