

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

**The Westin Crystal City**  
Arlington, Virginia  
**April 30, 2019**

**Approved October 30, 2019**

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**ATTENDANCE**

**Board Members**

David Pierce, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Ray Kane, MA (GA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Lewis Gillingham, VA, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Sen. Monty Mason, VA (LA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Robert Boyles, Jr., SC (AA)
Emerson Hasbrouck, NY (GA)	Mel Bell, SC, proxy for M. Rhodes (GA)
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Doug Haymans, GA (AA)
Heather Corbett, NJ, proxy for J. Cimino (AA)	Spud Woodward, GA (AA)
Adam Nowalsky, NJ, proxy for Sen. Andrzejczak (LA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Stewart Michels, DE, proxy for D. Saveikis (AA)	Karyl Brewster-Geisz, NMFS HMS
Roy Miller, DE (GA)	John Sweka, USFWS

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

**Ex-Officio Members**

**Staff**

Robert Beal	Jessica Kuesel
Toni Kerns	Kristen Anstead
Kirby Rootes-Murdy	

**Guests**

Kathryn Frens, NOAA	Adam Rettig, NOAA
Kathy Knowlton, GA DNR	Scott Ward, NOAA
Nicole Lengyel, RI DEM	

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia; Tuesday, April 30, 2019, and was called to order at 3:30 o'clock p.m. by Chairman Roy W. Miller.

**CALL TO ORDER**

CHAIRMAN ROY W. MILLER: Welcome to the Coastal Sharks Management Board meeting. My name is Roy Miller; I'm from Delaware serving as Chair.

**APPROVAL OF AGENDA**

CHAIRMAN MILLER: In our meeting materials you have an agenda for this meeting. Are there any proposed changes or additions to this agenda? Seeing none, I assume it is okay as is.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN MILLER: Also, you have the proceedings from the October, 2018 Shark Board meeting. Are there any changes or additions to those proceedings? Seeing none, I'll assume they're unanimously approved as written.

**PUBLIC COMMENT**

CHAIRMAN MILLER: I see no names that have signed up for public comment. Is there anyone in the audience that wants to comment on anything not before the Shark Board this afternoon on our agenda?

Are there any shark related comments? Seeing none, we're a bit time constrained, so we'll do the best we can here.

**REVIEW FINAL RULE FOR HIGHLY MIGRATORY SPECIES AMENDMENT 11 AND FISHERIES REQUEST FOR COMPLEMENTARY MEASURES**

CHAIRMAN MILLER: I'm going to first of all call on Karyl Brewster-Geisz, who is in the back there, to tell us about the Final Rule for Highly Migratory Species Amendment 11 for Shortfin Mako, Karyl.

MS. KARYL BREWSTER-GEISZ: Final Amendment 11, this is an amendment we put in place for shortfin mako sharks. If you remember the shark species was assessed back in 2017 by ICCAT, the International Commission for the Conservation of Atlantic Tunas. It is found to be overfished with overfishing occurring.

They implemented a recommendation in November. As a result of that recommendation, we implemented an Emergency Final Rule over a year ago March, March 2018, following the ICCAT recommendation. We brought that forward to this Board, and at that time this Board did not want to follow the emergency regulations, because they were only going to be in effect for at most a year.

Instead, you all implemented I believe it was Addendum 5 that would allow you to implement measures on an in-season basis, for things like the size limits. This emergency rule that NOAA Fisheries implemented did last until March 3, when we finalized Amendment 11. This is just going through some of the timelines that we had.

As I said, the Final Rule was effective March 3 of this year. The final measures in Amendment 11 are very similar to the measures that we proposed, and the measures that we had in the Emergency Rule, but there were some changes. Commercially, no commercial fisherman can land a shortfin mako that was caught live. All the shortfin makos need to have been caught dead, and the pelagic longline fishermen need to have electronic monitoring onboard, to verify that those shortfin mako sharks were dead.

Electronic monitoring is another word for videos. Bottom longline and gillnet fishermen are allowed to keep any that were retained dead. They very rarely catch them, but if they do, they are usually dead, and they would be allowed to retain them. Recreationally, we have changed the minimum size for shortfin mako sharks.

If you remember the minimum size for all sharks, well generally all sharks, is 54 inches. In the Emergency Rule we changed it to 83 inches straight

line fork length. In this final rule, it is now split by gender, so 71 inches straight line fork length for male shortfin mako sharks, and 83 inches straight line fork length for females.

That is based on size maturity for shortfin makos. The other change we made, if you remember way back in Amendment 5B, we implemented circle hooks for dusky sharks, as a measure to reduce the mortality. That circle hook requirement for dusky sharks only went up through Chatham, Massachusetts.

In Amendment 11, we finalized circle hooks throughout our shark fishery. It's now Maine through Texas, including the Caribbean. Anyone fishing for sharks must use circle hooks, the only exception is for flies or lures. Alternative C1 was monitoring. This was the same as what we proposed. We did not make any changes to increase our authority to require additional monitoring.

But we did starting January 1, require that all HMS tournaments report landings discards, and other information on all HMS, so that includes sharks. Even though we didn't make any change in Amendment 11, we have increased the amount of information we're getting. Then Alternative D3 was just to establish a foundation to develop an international rebuilding plan for shortfin mako sharks.

If you remember, there is a large number of shortfin mako sharks caught throughout the Atlantic. The United States only counts for about 9 percent of those, so the United States would advocate at ICCAT for an international rebuilding plan. The next slide just has all the links, so if you wanted more information it should be online. Other than that that is it, so thank you.

CHAIRMAN MILLER: Thank you, Karyl. I'll take questions first. Are there any questions from the Board with regard to Mako Shark Amendment 11? Justin Davis.

DR. JUSTIN DAVIS: The last bullet on the previous slide mentioned the International Rebuilding Plan. I take it from what you said that this is not yet in

place that other countries have not instituted similar measures to start rebuilding shortfin mako.

MS. BREWSTER-GEISZ: In the ICCAT recommendation there were measures that all countries needed to implement. I believe a number of those countries have. I do not know if all of them have. But there are also questions about projections, and the actual amount of mortality needed to be reduced, and how long that needed to be reduced to rebuild the stock. They are actually meeting this month to start going over some of the science, and coming up with the projections on how long it will take shortfin mako to rebuild. That is part of what Alternative D3 is about.

CHAIRMAN MILLER: Any additional questions, Doug Haymans.

MR. DOUG HAYMANS: I found it interesting that A7 allows a commercial fisherman to report whether or not an animal was dead at haul back or not, so we're trusting him to report the truth, but we're not trusting recreational fishermen to tell us whether the fish was caught in state or federal waters.

You know, one guy has got a vested commercial interest and the other guy is recreational fishing with no commercial. Those two didn't commute to me as for the reason why the state should have complementary regulations in state waters. While they can't tell us where it came from, so perhaps there was a discussion that occurred on that topic that you could fill us in on?

MS. BREWSTER-GEISZ: Commercially, most of the shortfin makos are caught on pelagic longline, and they are required to have videos onboard, so we can actually verify that they are landing dead versus live makos. Recreationally, part of the reason we want complementary measures is because a lot of recreational fishermen when they are checking to see what the regulations are, the first place they go is actually to the states.

If the states say the minimum size is 54 inches, when the majority of shortfin mako sharks are caught federally that is a problem. We did notice

that last year under the emergency regulation, there is a lot of confusion among the recreational fishermen, on what the size limit was. A lot of fishermen did get caught fishing in federal waters with an undersized mako; because they were unaware they had checked the state apps or website.

MR. HAYMANS: Do you actually verify it with the video against commercial haul back?

MS. BREWSTER-GEISZ: Yes, we have verified and we've actually had a number of people issued warnings or summary settlements as a result.

CHAIRMAN MILLER: Any additional questions, does anyone wish to make any comment on this at this time? Seeing none, I'm going to call on Kirby for Technical Committee report.

#### **TECHNICAL COMMITTEE REPORT**

MR. KIRBY ROOTES-MURDY: I'm going to go through the Technical Committee call summary. Our TC Chair was not able to make it up today, so bear with me if you have any technical questions. I will try to answer them to the best of my ability. I'll go through an overview, just recapping some of what Karyl said, the TC call summary, and then take any questions you have.

Following that, it will be for the Board to consider whether to have a management response to these changes in federal waters. The TC was tasked the following by the Board Chair, which is review the recent management measures implemented for Atlantic shortfin mako sharks through Amendment 11, and provide the Board a report on the potential conservation benefits of adopting complementary management measures in state waters for state permit holders. The TC met via conference call on April 8, to discuss and respond to the task.

As Karyl outlined, there are some changes to commercial measures for HMS permit holders. Retention of sharks if dead at haul back, the new is for longline and gillnets with vessels that have electronic monitoring onboard. Recreationally, the

change is having different size limits by sex, so for males 71 inch straight line fork length, for females 83 inches straight line fork length, and a requirement that circle hooks be used when targeting sharks for all HMS permit holders.

The TC in preparation for the call, made an effort to summarize what the state data is that currently demonstrates whether sharks are present or absent in state waters. Not surprising, based on the feedback we heard around this time last year, there is not a lot of recreational or commercial data on shortfin makos in state waters.

We went state by state on that to try to get more information. Some states had commercial data on shortfin makos, but trying to parse out where those shortfin makos were caught is a little bit more challenging, unless you get into then stat area data. There is some recreational information, but it's very limited.

Generally, we were not able to determine if much if any harvest is happening in state waters. There is not enough data in state waters to demonstrate that implementing the proposed measures would have a significant change in harvest or catch. The TC could not quantify the conservation benefits of complementary recreational measures in state waters.

There was though general agreement that in adopting complementary size limit regulations, it would be best for the resource, in terms of trying to maintain consistency between what the federal regulations are and what state regulations are, to some of the points that were just raised by Karyl in response to Doug Haymans.

Another thing that was discussed by the group was the circle hook requirement. There have been some efforts to try to quantify how that can reduce discard mortality. There was recently a study that was conducted on blacktip sharks using circle hooks, and the results showed that fish that are hooked anywhere besides the jaw, have about a 50 percent mortality rate.

If they were hooked in the jaw using this type of gear, the mortality rate was less than 4 percent. The TC noted that it is likely the J hooks would produce a higher mortality rate. With that being considered, there was definitely some interest expressed by TC members in moving to adopt circle hooks.

One of the challenges that came up is that at least based on the feedback TC members offered, there are a number of states that are at varying stages of implementing circles hooks. Some states have already moved to adopt that for state waters. Other states are in the process of adjusting or evaluating the regulations to potentially change to that. Then there are other states that have at this point indicated that they are not interested in adjusting their gear requirements to encompass circle hooks, because of concerns of intention and trying to prove that either in a court of law, or from a law enforcement standpoint. In terms of the commercial measures, in considering complementary management measures there, the TC did not have any specific comments on that. Much of the call was focused on these recreational measures, where there was sense that complementary measures would be more consistent and very similar, and beneficial. But, on commercial data we don't have as much information that would demonstrate that adopting the electronic monitoring for state permit holders, and the requirement of the sharks being dead at haul back that we would be able to demonstrate there would be a significant change in harvest or catch. With that being said, overall the TC recommended that the states adopt complementary size limit regulations by sex, to the Amendment 11 measures for state waters. With that I'll take any questions regarding the TC call and summary, thank you.

**CONSIDER COMPLEMENTARY  
MANAGEMENT MEASURES**

CHAIRMAN MILLER: Are there any questions at all concerning the TC report or summary? Seeing none, the next part of this agenda item says Consider Complementary Management Measures.

Is there anyone who might have a motion to put before the Board that we can get this conversation started? Stew Michels.

MR. STEWART MICHELS: **I would like to make a motion. I'll move to adopt for state waters, minimum recreational size limits for shortfin mako, to complement the federal recreational fishing measures (the male minimum size limit of 71 inches fork length, and female minimum size limit of 83 inches fork length).**

CHAIRMAN MILLER: Thank you, Stew. Is there a second to this motion? Ray Kane. Ray, did you have a comment as well?

MR. RAYMOND W. KANE: Question, was that 71 or 73 for the males?

CHAIRMAN MILLER: It was 71, right Stew, and another hand over here, no, and discussion on the motion, Doug Haymans?

MR. HAYMANS: The TC sure didn't make a very convincing argument to me that the states should go that way. It looked like when I read through the limited information we had from the other states, there wasn't a whole lot of support for the states to do this, at least from the TC members from the other states. Everything I've heard from our Law Enforcement is this just is creating a much larger nightmare for them. I would love to hear their committee's input on it, before we move something like this forward.

MR. ROOTES-MURDY: Yes, unfortunately we don't have our Law Enforcement Rep here at the table today. He may be in another Law Enforcement meeting currently, unfortunately. But I will also point out that the Law Enforcement Committee has not met to consider this. It was not something that was specifically tasked to them to consider.

CHAIRMAN MILLER: Jay McNamee.

MR. JASON McNAMEE: I'll offer an alternate interpretation of the Technical Committee report. I think what they said was there is just not a lot of

data available to make a strong analysis as to whether there would be an impact, not whether it is good or not to do, but to give us some quantification of potential impacts.

However, I think back to the assessments, which are really rigorous, it was multiple assessments all giving the same information that the shortfin mako is not in good shape. I see these measures as valuable measures to align us with the federal plan. Not to speak for enforcement, but I would think the alignment of the state plan with the federal plan, would actually help with enforceability, just a couple of comments as to why I'm supporting this motion.

CHAIRMAN MILLER: Maureen, Dr. Pierce next.

MS. MAUREEN DAVIDSON: We did consult with our Marine Enforcement to ask them how they felt about the two minimum sizes for mako shark. They were concerned about having two different size limits for the shark, and they proposed that we use a single 83 inch limit for both sexes, to avoid having people who might not be familiar with sharks, to try to handle a shark to determine what its gender is.

CHAIRMAN MILLER: David Pierce.

DR. DAVID PIERCE: As far as I know there are very few if any shortfin mako sharks caught in Massachusetts state waters, so I would look at this similar to Jason, just a way to try to enhance enforcement of this rule. I'll support this, but again it's just to assist with enforcement, and not to constrain in any way a nonexistent catch of shortfin makos in state waters.

CHAIRMAN MILLER: Did I see a couple other hands, Robert Boyles and then Chris Batsavage?

MR. ROBERT H. BOYLES, JR.: I think this group knows that the state of South Carolina adopts by reference any regulations that are promulgated for sharks under federal authority. This is a done deal for us in South Carolina. I would say though, the way I look at this, you know our role here is to promote a conservation ethic among our anglers.

I share New York's concerns with the two different sizes. We are seeing some indications of increased novice anglers angling for sharks. We have no evidence of these animals in state waters as well, so I'm just concerned about our credibility. I don't oppose the motion, but I just want to ask ourselves a question. I mean is this something that is absolutely critical for us to do, to promote stewardship conservation of these animals? Thank you.

CHAIRMAN MILLER: Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, we were a little concerned about just the differential size limits for males and females. I don't think we have any other finfish regulations like that. However, I believe NOAA Fisheries has educational information available, as far as for the public to identify male and female sharks, and if that's the case that is something that in our proclamation and any news releases, we would link the public to that information, just to avoid any confusion. Just in terms of even though we don't see, very rarely see a mako shark in state waters; we do support consistent regulations between federal and state waters. That really just cuts down on any confusion, as far as the anglers, and also makes it easier for enforcement to write tickets and have them stick.

CHAIRMAN MILLER: Karyl Brewster-Geisz.

MS. BREWSTER-GEISZ: As you all know, with our Emergency Rule we went with the one size limit. We felt the same way, especially for that large of a shark. How safe is it? How many people would be aware? We heard throughout the public comment period from a lot of anglers, a lot of charterboat captains that anyone going out for makos, and that large of a mako, is going to be an experienced angler, and is very aware of how to identify a male and female shark, because it is very obvious once the males reach sexual maturity that they are male.

It's hard to hide that. After a lot of discussion, we did decide to go for the different size limits, trusting that the fishermen were correct that they could

identify them correctly, and that this would provide additional opportunities for them, because a lot of them are going for those male makos, and not the females, which are very rarely caught, even in the recreational fishery.

There were only a few caught last year. Going with the 83 inches, just the recreational component, we had a much larger reduction than we were expecting, which is another reason why we went forward with the two size limits. But it is important we keep that 83 inches for females, one it's what ICCAT recommended, and two, that is the size at which females start to become sexually mature.

That is not the 50 percent level for females. I'm trying to answer some of the questions around the table about the difference in sexes, and we do have a lot of materials to help anglers tell the difference. If you remember, we implemented a requirement that everybody fishing federally for sharks has to watch a video, and answer questions.

We revised that video and included a question about this for Amendment 11. Anybody who got it at the beginning of the year may not have seen the video, but anyone who has gotten their permits since March 3, has seen that video. I can make it available to everybody, if you would like.

CHAIRMAN MILLER: I'll call on Doug Haymans again.

MR. HAYMANS: A question not necessarily to the motion, but for federally permitted shark dealers, can they buy short sharks? In other words state sharks that were caught in state waters, or are they restricted to the federal size limit?

MS. BREWSTER-GEISZ: If you remember, federally permitted dealers in east coast states are required to have that federal permit. They can buy from state fishermen, as long as it follows state regulations. But there are no commercial size limits for sharks. All sharks that have size limits are recreational only, and there is no sale of them.

CHAIRMAN MILLER: David Pierce.

DR. PIERCE: I apologize if this question has already been answered. I've been looking at the Federal Register announcement, then of course it's February 21, 2019, and there are references to what ICCAT will do. Has ICCAT already met and taken actions regarding the measures to restrict the shortfin makos?

CHAIRMAN MILLER: My impression is yes, but I'll go back to Karyl.

MS. BREWSTER-GEISZ: Yes, so in 2017, ICCAT recommended the measures that we implemented in Amendment 11. We followed those. They are meeting again this month to discuss the projections.

DR. PIERCE: The reason why I asked the question is on Page 53-61, it says at the top in the left column that this action establishes the foundation for an international ICCAT recommended rebuilding plan, understanding that ICCAT intends to adopt such a plan in the future, and that the United States will advocate for its development of that forum.

I'm just trying to get a better understanding what we are doing, what the federal government is doing. That is to provide the motivation for ICCAT to take measures similar to what we have, for what the federal government has taken, and what we will now be taking now? It talks about future measures, so it sounds like ICCAT hasn't really done this yet. But again, I'm just seeking the clarification.

CHAIRMAN MILLER: Again, I'm going to defer to Karyl.

MS. BREWSTER-GEISZ: Yes, in the future ICCAT will be looking at the projections that its scientists are looking at right now, to determine how much additional reductions are needed, if there are additional reductions needed, and how long that needs to be in order to rebuild the stock. There could be additional measures coming that we would need to implement, but at the moment, until those measures are recommended by ICCAT, this is what we have, and this is what other countries are implementing as well.

DR. PIERCE: Okay that answers my question. Other countries are implementing these minimum size rules. More measures may be adopted at a future ICCAT meeting, but for now we are not out on our own with the Service, relative to minimum sizes that other nations have done this too. Again, it's important because our take of short makos in the United States is a small percentage relative to what actually caught internationally, so it has happened, the minimum sizes have been adopted internationally.

CHAIRMAN MILLER: Any further comment on that Karyl?

MS. BREWSTER-GEISZ: Yes, minimum sizes are one of the choices that countries have. The recommendation from ICCAT overall wanted all shortfin mako to be released. Then under that there were a number of options for countries to choose from, minimum sizes were one of those options, which we decided to implement for our recreational fishery. For the commercial fishery, we are requiring that they release any live makos, but that they can keep the dead ones. Then there were a whole other suite. But yes, your general thought is correct. Other countries are implementing similar measures.

CHAIRMAN MILLER: All right, Justin Davis did you have one more point?

DR. DAVIS: Do we know the timeframe on which ICCAT is going to conduct another stock assessment for shortfin mako?

CHAIRMAN MILLER: Again, Karyl.

MS. BREWSTER-GEISZ: I do not believe they're conducting another stock assessment right now. What they are doing is they are taking the information from all the countries last year, and the measures implemented, seeing what the reductions were, and seeing how that affects the stock overall throughout the next couple generations time lengths. That is what they're doing right now. They are not redoing the entire assessment.

CHAIRMAN MILLER: Okay, we've had a fair amount of discussion, some of it directly related to the motion. Are we ready to vote on the motion? All right, all those in favor of the motion raise your right hand.

MS. TONI KERNS: Just to note that this is final action, so if it's everybody that's easy, but if it's not then.

CHAIRMAN MILLER: Were there any objections to the motion? There is one. We have to do a roll call?

MS. KERNS: We note who the objection is coming from.

MR. ROOTES-MURDY: **On the record it was noted that Georgia opposes the motion. Is there anybody who abstains from this motion, seeing none?**

CHAIRMAN MILLER: **All right, seeing none the motion passes 13 to 1, and 0, 0.** Thank you for that. Our next agenda item, I wanted to remind the Board that there was a recommendation regarding circle hooks. Do you want to have a discussion regarding circle hooks in state waters at this particular Shark Board meeting, or is this something we should defer to a subsequent meeting? Are there any thoughts in that regard? Dr. Pierce.

DR. PIERCE: Well, it's easy for me. I would say defer it, because we don't catch sharks in our waters, so circle hooks are not really required. It's not going to do any good since there are none to be caught, or at least none recorded as having been caught.

CHAIRMAN MILLER: At least two states have mandatory circle hooks now, and others are listed as being in the process. Stew Michels, do you have a comment?

MR. MICHELS: **I think just in the interest of consistency with our federal partners, as well as in the spirit of conservation. I think I would like to**

**offer a motion to require for state waters the use of circle hooks on lines intended to catch sharks.**

CHAIRMAN MILLER: Is there a second to the motion? Maureen Davidson, or are you making a comment, Maureen, so you're second, thank you. All right, discussion on the motion, I'll start from left and work my way around, Jay McNamee first, then Dr. Pierce.

MR. McNAMEE: I agree with folks on the difficulty with enforceability and things like that. I should have maybe said this earlier. Rhode Island has also already adopted the measures from the Amendment in our state waters, including the circle hook requirement.

For us it was a matter of an opportunity for public education about the circle hooks, and their conservation. That for us adds value, not very enforceable I know. Some people don't like the idea of putting in measures that we know isn't easily enforced, but in this case we saw value in adopting it in state waters for that public education aspect.

CHAIRMAN MILLER: David Pierce.

DR. PIERCE: Yes, just a clarification. It says sharks. Does that mean every shark, every species of shark including dogfish?

CHAIRMAN MILLER: Let the record reflect that Stew Michels is shaking his head yes. Additional hands on this issue, Maureen Davidson.

MS. DAVIDSON: New York State is the other state that requires circle hooks for our shark fisheries. I believe we exclude dogfish for that. We do that because we do have a recreational fishery for sharks in our state, and we have also landed a small number of mako sharks in the past eight years. We think it's important for us to have circle hooks in our state waters to protect our sharks.

CHAIRMAN MILLER: Chris Batsavage, then Eric.

MR. BATSAVAGE: I know we've expressed concerns over enforceability of using circle hooks for sharks, when I guess it came up for dusky sharks. We still have those concerns. What we do in our shark proclamation is encourage anglers targeting sharks to use non-offset corrodible circle hooks. I can't support this motion at this time.

I would really like to hear from the Law Enforcement Committee on ways to make this as feasible as possible, in terms of enforceability, and also like to hear from the Advisory Panel on just the common practices of using circle hooks in recreational fisheries targeting sharks. I think that would at least give us a better sense of how to move forward with this requirement.

CHAIRMAN MILLER: Since I'm over that side, I'll call on Lewis Gillingham, and I'll get back to you, Eric.

MR. LEWIS GILLINGHAM: While I definitely supported the same measures in state waters for the minimum size, because that's enforceable. It can be enforced at the dock, and I think we will see added conservation, where an undersized mako is brought into state waters without the same size limit, he'll escape. The individual who did it will escape. The way our law enforcement works, if it's only in federal waters they would have to get a federal agent there to make a case.

They could call them, but they can't do anything. Our laws are possession laws, so with the change of possession I support that. Circle hook, by the same token, I don't want to charge Law Enforcement with something that is not enforceable. How in the world you can enforce a circle hook requirement on the dock is beyond me. You're taking the anglers testimony, yes I use the circle hook, or no I didn't.

I don't want to do that to law enforcement, unless I hear a real good reason why we should do it. I question NOAAs ability to enforcement anywhere except on the water. We do support the use of circle hooks for sharks, for all shark fish, and soon we'll include striped bass. But in terms of making it mandatory, I wouldn't want to be the one that

made the vote that now we're going to implement in state waters.

CHAIRMAN MILLER: I have Eric Reid, and then I saw Robert Boyles, and then Ray Kane.

MR. ERIC REID: At this point in every meeting we talk about sharks, I usually bring up the fact that dealers have to go to a class to get their permit renewed, as opposed to doing it online. I'm not going to do that today, just so you're aware of that. But I like to take that opportunity. As far as Dr. Pierce mentioned dogfish would be included in this.

Actually, dogfish is outside of a southeast region shark permit, and could be excluded from that requirement, if anybody would like to go rod and reel fishing for dogfish, because it's not under that permit, it's a different permit if that helps any.

CHAIRMAN MILLER: I had Robert, you're next.

MR. BOYLES: I would like to echo my support for the comments of my colleagues from the old North State, the Old Dominion. I think it's important that we certainly encourage anglers to adopt practices that will minimize post release mortality. I understand the intention of the motion, but I think an attorney will look at that motion, how do you prove intent? I think there is going to be a morass of difficulty with that. For that reason I cannot support the motion.

CHAIRMAN MILLER: Ray Kane, you had your hand up?

MR. KANE: Thank you, Mr. Chairman, but Eric Reid answered the question. We were concerned about the use of circle hooks in the commercial dogfish fishery. But being how they are permitted under another permit, we're good. Thank you.

CHAIRMAN MILLER: All right, where are we with regard to the motion? Are we ready to vote on the motion? Does anyone have a substitute motion? Do we need more time to discuss this, like a motion to postpone, or are we ready to vote? Chris Batsavage.

**MR. BATSAVAGE: I'll offer a motion to postpone, I guess until we receive feedback from the Law Enforcement Committee and the Coastal Sharks Advisory Panel. I'm not sure if that's time certain enough or not.**

CHAIRMAN MILLER: Are you thinking August?

MR. BATSAVAGE: If we can by August that would be fine, if the Coastal Sharks Board is scheduled to meet then, but whatever staff thinks, as far as a feasible time table.

MR. ROOTES-MURDY: I'll just offer, we have been having approximately two board meetings per year. Last year was a little unique, because there was the initiation of an addendum, and an approval of it, Addendum V that allows this Board to make these motions today, adjusting size limits, gear specifications annually ad hoc.

It's at the pleasure of this Board if you wish to have this provided back to you in August, or it could wait until when we will for sure be meeting at the annual meeting. Just as a reminder, at the annual meeting that is when we take up our annual specifications for the following year.

CHAIRMAN MILLER: Bob Beal, did you have an additional comment?

EXECUTIVE DIRECTOR ROBERT E. BEAL: Not a whole lot just was going to say the Law Enforcement Committee will meet at the annual meeting as well. We can set the meetings up so that we have the Law Enforcement Committee meet prior to the shark board meeting. If there is not an urgency to do this in August, we can make most of these meetings happen at our annual meeting in New Hampshire, if that works for folks on the Board.

CHAIRMAN MILLER: Is that agreeable to you, Chris?

MR. BATSAVAGE: Yes, I think that would be the most efficient way to do it.

**CHAIRMAN MILLER: Let me read the motion now. Move to postpone until the Board has received feedback from the Law Enforcement Committee**

**and the Advisory Panel with the intention of taking it up at the Annual Meeting.**

MR. BATSAVAGE: Yes.

CHAIRMAN MILLER: If that's a reasonable addition. Ray Kane, you'll second that. **Is there any discussion on the motion? Is there any objection to the motion? Seeing none, the motion to postpone carries unanimously.** I'm going to call on Kirby for one final agenda item, and that is Consideration of the 2018 FMP Review and State Compliance Reports, but first I'll acknowledge Lewis Gillingham. Lewis.

MR. GILLINGHAM: I had a question regarding compliance date for the minimum sizes. That wasn't expressly indicated by the motion.

MR. ROOTES-MURDY: From staff's standpoint, because the Board can take these motions up as final action on an ad hoc basis, unless specified otherwise, these are effective immediate, so that's the moving forward if you think that there needs to be more specificity, in terms of when the implementation date would be, we would need the Board to make that more clear.

MR. GILLINGHAM: I would like that clarity.

CHAIRMAN MILLER: Lewis, can I call on you as to when you want it, or I can call on Stew Michels that had his hand up as well.

MR. GILLINGHAM: Well, this was the problem that was raised before when we started bringing this up during the course of the year. Some states can only do this when their legislature meets. Some states, we like to have a 90 day period. That gives us time to get the information out to the public.

It gives us time to go through our Advisory Board meetings, advertise for public hearings through our Commission, and then the following month hold the Commission meeting. I would say whatever the date is, it should be such a date that all states are able to comply with that implementation date.

CHAIRMAN MILLER: It's sounding like August 1st would be agreeable to you, Lewis?

MR. GILLINGHAM: That would work for us, but again if that works for other states.

CHAIRMAN MILLER: I see one or two heads shaking no, I'll call on Stew Michels.

MR. MICHELS: Yes that's a pretty quick turnaround for us. It takes us every bit of six months to get a regulation in place, and usually it would be longer than that. But I had the same initial question as Lewis had on what the appropriate compliance deadline would be.

CHAIRMAN MILLER: Robert Boyles.

MR. BOYLES: I think with this Board's forbearance, I think for a lot of species you all end up waiting on South Carolina, because we do require a legislative process. But as I mentioned earlier, we already have a code section on the books that we adopt by reference, so I'm happy to say you won't be necessarily waiting on South Carolina, the Palmetto state on this particular issue. Just for the Board's information.

CHAIRMAN MILLER: David Pierce, and then I've got some direction for the Board.

DR. PIERCE: I was going to make a motion relative to the date for compliance with the shortfin mako on minimum sizes.

CHAIRMAN MILLER: That would be appropriate.

**DR. PIERCE: I'll make that motion. I would move that we require compliance with the shortfin mako minimum sizes by the annual ASMFC meeting.**

CHAIRMAN MILLER: Is there a second to that motion? The motion reads; Move to require compliance with the shortfin mako minimum sizes by the annual meeting. The motion is made by Dr. Pierce, a second by anyone? Justin Davis. Is there any discussion on the motion? Did you have your hand up, Mike Luisi?

MR. MICHAEL LUISI: Thank you, Mr. Chairman. I'm not going to oppose the motion. I look around to the Board and ask for some leniency in getting these regulations implemented. I believe right now, without having anything here to ask my staff. I think we have actions happening in our shark package right now, which means it has to close before we can start considering new regulations.

I do not have a timeline in my mind when we would get this done. Our intention would be to start as soon as possible and move forward to implementing the regulations that are asked, as long as the Board can be a little forgiving and lenient in its application of a noncompliance finding on this, it would be helpful, thanks.

CHAIRMAN MILLER: Can we be forgiving, Board? Are there any further comments on the motion, Karyl?

MS. BREWSTER-GEISZ: Just a note that most of the shortfin makos are going to be caught in tournaments that are happening now. If the Board votes to delay implementation of the minimum sizes, even until August or October, it's effectively not going to be in place until this time next year. That is of consideration. We had a lot of confusion last summer, and if we are delaying it again then there will be continued confusion among the anglers.

CHAIRMAN MILLER: Erika.

MS. ERIKA BURGESS: The Florida Fish and Wildlife Conservation Commission could consider this at the earliest in July, and depending on the procedures that are followed, and whether public objects to the proposed rule. It may be delayed until August or later. But in the meantime we have in our state implemented a requirement for circle hooks in state waters.

On our website we have a large banner indicating that HMS permit holders must follow the federal regulations in state waters, and we also have a large banner indicating that anyone who fishes for sharks in federal waters must follow the

regulations, and we direct them to your website. That should satisfy some concern about whether a recreational angler can know what the rules are.

CHAIRMAN MILLER: Well we have a motion before us. Did you have a comment, Maureen? Go ahead.

MS. DAVIDSON: I realize that there is a range of timeframes that it takes for a state to enact regulations controlling mako minimum lengths. We could probably get it into effect very quickly in New York; if we could stress that it's an emergency. But some other states require legislative action. I would ask that the Board not make it so tight so that it's by the annual meeting, to give each state time to be able to get this provision in effect. I hate to say it, but maybe the deadline should be spring of 2020.

CHAIRMAN MILLER: I'll look to the maker of the motion. Do you consider that a friendly amendment, David Pierce?

DR. PIERCE: I think that's too long. I think the motion makes sense, somebody can be forgiven.

MR. ADAM NOWALSKY: With regards to needing a specific date. Ultimately, in terms of our forgiveness that's going to come back to our next compliance report, I would think. Is it a time at which we determine if we're going to forgive a state. Would that be correct? We wouldn't have a discussion about whether a state was in compliance or not, until we did the next compliance report. Is that correct?

CHAIRMAN MILLER: That's my understanding, Kirby?

MR. ROOTES-MURDY: Yes, the compliance report is due July 1, so that would be on the previous fishing year, so you would be reporting out in terms of your compliance reports for say the 2019 fishing season not until next year. If it's not being implemented until 2020, then it would have to be noted in next year's compliance report, basically.

MR. NOWALSKY: Where I'm going with that is that if we don't put any date on this at all, no state

would be required to report compliance until July 1st of next year, is what I think I'm hearing. As long as they were able to report July 1st by compliance of next year, then we wouldn't have to take up any issue of needing to be lenient or not. I think that is what I'm hearing.

CHAIRMAN MILLER: I think that's what I'm hearing too, Kirby.

MR. ROOTES-MURDY: Yes, again it gets back to what this Board's preference is. If you guys want to set a hard date that the states have to have these regulations in place by say January 1, 2020, you know that's your prerogative, but if you prefer to allow for it to follow the cycle of the annual compliance report, then that is your prerogative as well. You can choose to set that as your date.

CHAIRMAN MILLER: Adam.

MR. NOWALSKY: I think given the concerns I've heard around the table, I would just let it go until we get to the next compliance meeting. Let every state go home, do their due diligence and I think we would be in good shape as a Board at that point. That would be my preference moving forward, so I would be in opposition to this motion, and just let it go.

MR. ROOTES-MURDY: One follow-up question, Adam. I think one of the things that may need to be considered, so we will get compliance reports next July, right, and that would be for the 2019 fishing season. If we're meeting let's say May of next year, what would be our mechanism to verify whether states are on their way to implementing those measures or not? What I'm hearing is that if we follow a by July 1st deadline, then there would be no checking on whether the states have met this motion until likely the fall of next year.

MR. NOWALSKY: That would be my intent I think at that point. That would encompass everybody's need around the table to meet whatever their individual timelines are. I think everyone would get there by that point.

CHAIRMAN MILLER: Maureen and then Ray Kane.

MS. DAVIDSON: NOAA has already expressed concern that we are going to miss the tournament season for 2019, based on our meeting now and whatever deadline we're going to propose for 2019. If we wait until July of 2020, then next summer also will likely be missed, in terms of trying to control minimum size for shortfin mako.

CHAIRMAN MILLER: Ray Kane.

MR. KANE: Yes, my sentiments exactly, Mr. Chairman. I mean we're already missing this season, according to National Marine Fisheries, the tournament season. To delay out to July 1, maybe we can make a hard date for the winter meeting. I've heard around the table it's going to take states six months, so six months out, February is what eight, nine, ten months out. My concern would be next year's tournament season.

**CHAIRMAN MILLER: I'm going to look to the maker of the motion. Do you want to consider changing the date in your motion, or do you want us to vote on it like it is?**

DR. PIERCE: I'm not sure what date I should choose, January 1, 2020, to provide states with a little bit more time. That is obviously one option. Clearly, I don't want to put states that can't do this by the annual meeting in a difficult position. I don't know how many states could get it done by January of 2020, more perhaps. In the interest of perhaps getting more support for the motion. If there is no objection from the Chair or from the Board, I would say by January 1 of 2020 or by the January meeting if there is one. I'm not sure, by the February meeting, 2020.

CHAIRMAN MILLER: How about January 1, since then it would be for the fishing season.

**DR. PIERCE: That's fine by me. Whatever makes the most sense, so January 1, 2020, yes.**

CHAIRMAN MILLER: I'll call on the seconder of the motion; Justin Davis is that okay with you? Justin is

indicating yes. **Are we ready to vote on this particular motion? Is there any objection to the motion, 1 objection? Are there any abstentions, any null votes? The motion carries that would be 13-1-0-0.**

**2018 FMP REVIEW AND  
STATE COMPLIANCE REPORTS**

CHAIRMAN MILLER: We have run out of time to consider the 2018 FMP Review and State Compliance Reports. We'll have to do that by phone or by e-mail.

**ADJOURNMENT**

CHAIRMAN MILLER: Is there any very pressing business to come before this Board? Seeing none, are we in agreement to adjourn? We're unanimous on that. Thank you.

(Whereupon the meeting adjourned at 4:30 o'clock  
p.m. on April 30, 2019)

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