

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

**The Westin Alexandria
Alexandria, Virginia
May 5, 2016**

Approved August 2, 2016

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ATTENDANCE

Board Members

Dan McKiernan, MA, proxy for D. Pierce (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Bill Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Jason McNamee, RI, proxy for J. Coit (AA)	Cathy Davenport, VA (GA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Colleen Giannini, CT, proxy for D. Simpson (AA)	Rep. Bob Steinburg, NC (LA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Douglas Brady, NC (GA)
Mike Falk, NY, proxy for Sen. Boyle (LA)	Robert Boyles, Jr., SC (AA)
Emerson Hasbrouck, NY (GA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
Russ Allen, NJ, proxy for D. Chanda (AA)	Nancy Addison, GA (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Spud Woodward, GA (AA)
Tom Fote, NJ (GA)	James Estes, FL, proxy for J. McCawley (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	Wilson Laney, USFWS
John Clark, DE, proxy for D. Saveikis (AA)	Margo Schultz-Haugen, NMFS

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

Ex-Officio Members

Staff

Robert Beal	Katie Drew
Toni Kerns	Ashton Harp

Guests

Kelly Denit, NMFS	Karyl Brewster-Geisz, NMFS
Clifford Hitt, NMFS	Ray Kane, CHOIR
Jeff Deem, VMRC	Arnold Leo, E. Hampton, NY

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, May 5, 2016, and was called to order at 9:48 o'clock a.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: Good morning everyone. I would like to convene the Coastal Sharks Management Board. My name is Adam Nowalsky; I'll be Chairing the Board this morning. To my left I've got FMP Coordinator, Ashton Harp. Our primary order of business today will be to review and consider the approval of Addendum IV for public comment.

Before we get to that point I would first like to welcome a couple of new faces here that we've got today; Colleen from Connecticut, Mike from New York to the Coastal Sharks Management Board. With that we'll move into the agenda. Our first order of business will be to approve the agenda as presented here.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Are there any changes to the agenda? Is there any objection to accepting the agenda as presented? Seeing none; the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN NOWALSKY: Our next order of business is to approve the proceedings from the February, 2016 board meeting. Are there any comments, discussion or changes to those proceedings? Seeing none; is there any objection to accepting those proceedings? Those proceedings are hereby approved.

PUBLIC COMMENT

CHAIRMAN NOWALSKY: Next order of business is for any public comment not on the agenda. There was nobody signed up. Is there anyone from the audience who would like to speak on any issues not on the agenda? Seeing none; we'll move on to our next order of business,

which is a presentation from Ashton on Addendum IV.

REVIEW AND CONSIDER APPROVAL OF ADDENDUM IV FOR PUBLIC COMMENT

CHAIRMAN NOWALSKY: This addendum today is being presented as a draft that would go out for public comment with any changes discussed today. I'll turn to Ashton for a presentation.

MS. ASHTON HARP: At the request of the board in February, the PDT developed draft Addendum IV, which I'll walk through today. The presentation is divided into three parts. First of all going into the smooth dog fish background and that is the species of focus for this addendum. Then I'll move into the catch composition analysis, which is the regulatory issue that we'll be discussing in this addendum.

Lastly, I'll walk through the smooth dogfish management options, and as I mentioned, the board has the potential to approve this for public comment. It will then go to public hearings and written comment over the summer, and I would present the summary of those at the August board meeting.

Smooth dogfish, a little bit about the species, it is the only species within the smoothhound complex that is found in the Atlantic, and oftentimes we use the word smoothhound and smooth dogfish interchangeably. But for the purposes of this addendum we want to be species specific, and that is because of the Shark Conservation Act. Within the Act there is a limited exception on the fins naturally attached to policy. It allows for individuals engaged in commercial fishing for smooth dogfish, to remove fins at sea, provided they meet certain requirements; which I'll discuss in the next slide.

Prior to 2016, smooth dogfish were only managed in state waters. They were not part of the highly migratory species FMP prior to 2016. This slide provides information about how smooth dogfish processing at sea is managed in

state waters. A commercial fisherman can land smooth dogfish carcasses, with corresponding fins removed from the carcass, provided they meet certain requirements.

They must possess a valid state commercial fishing license, and the fin to carcass ratio is set at 12 percent. They automatically already meet two other requirements, which is to be fishing within 50 nautical miles of the baseline of an Atlantic state; Maine through Florida. The two bullets that you see on the board were included in Addendum II and are consistent with the Shark Conservation Act.

Now, in federal waters, smooth dogfish is managed effective March 15th of 2016, and Amendment IX is how they became effectively managed by the Highly Migratory Species division. Included in Amendment IX is a catch composition requirement for federally permitted vessels, in order to remove smooth dogfish fins at sea.

This requirement came from NOAA Fisheries interpretation of the Shark Conservation Act phrase that says; one must be fishing for smooth dogfish in order for the limited exception to apply. They defined this kind of directed effort as, a trip where smooth dogfish comprised at least 25 percent, by weight, of the total retained catch onboard at the time of landing.

This brings us to the February motion. The board made a motion to initiate an addendum to address the processing at sea disconnect between federal and state waters. There is only one issue in this addendum, and it is the catch composition requirement. Now we're moving into the body of the addendum that was presented in meeting materials.

As I mentioned, there are differing regulations in state versus federal waters now. Currently vessels with a federal smoothhound commercial permit, must comply with the 25 percent catch composition requirement; whereas fishermen

with a state commercial fishing license are not held to any catch composition requirement.

You may be asking yourself, well why 25 percent? We discussed this a little bit at the last board meeting, but I'll just briefly go into it again. Public comment during the Amendment IX rule making process, and landings data, indicate the smooth dogfish fishery is very much a mixed fishery. There was consideration of a higher catch composition, meaning the majority of the catch on the boat would have had to have been smooth dogfish, in order to process at sea.

But this was ultimately not used, given the multispecies nature of this fishery. Anything higher than 25 percent was deemed inappropriate, because it would only increase regulatory discards. That is because fishermen generally start processing smooth dogfish once it is brought onboard. This is done immediately, so the shark meat will not spoil. When we started analyzing the catch composition analysis, we went to the data availability. The PDT had a discussion about what data was available, and what could be used for this addendum. We ultimately used the available data from the federal vessel trip reports, to analyze catch composition on smooth dogfish trips. We would have liked to have used or looked at a state-by-state analysis, or a coastwide analysis, but data limitations did not allow us to do this.

For example, when I first went to the PDT and we kind of wanted to see smooth dogfish landings just in the harvest from state waters versus federal waters. We could not see that so we were road blocked pretty quickly on the amount of data that we had. As far as where smooth dogfish are harvested, we could only see it by statistical area.

Those statistical areas where smooth dogfish are harvested ride the line between the federal and state boundaries. There is a lot of fishing around the three-mile line, but at this time we cannot attribute it to state or federal waters. A

little bit going into the data, this chart shows landings by gear type.

As you can see, a large portion of this fishery uses sink gillnets to harvest smooth dogfish. As shown here, as much as 75 percent of landings are attributed to sink gillnet gear. We focused on sink gillnet gear for this addendum. The species caught in sink gillnet gear, the pie chart shows that smooth dogfish is a dominant target species, with 39 percent of the sink gillnet catch.

Often other species, along with the targeted species are caught as well. In this case other species include spiny dogfish at 8 percent, bluefish at 29 percent, and croaker at 8 percent. This table I am going to take a minute to explain. Each column represents the year from 2003 to 2014. The first row shows the number of sink gillnet trips within each year that landed a smooth dogfish.

It ranges from 550 trips to more recently 1,300 trips. Then the second row further looks into, of these trips that are landing smooth dogfish, how many would meet the 25 percent catch composition requirement? On average, almost half of the reported trips would meet the 25 percent catch composition requirement, and would be considered a directed fishing trip.

Then we also looked at, of the overall landings for sink gillnets, how many smooth dogfish were on those trips? This pie chart shows that highliner trips, meaning trips where smooth dogfish comprised 75 percent of the overall catch onboard, are responsible for the majority of smooth dogfish landings, so in fact they're responsible for about 81 percent of the overall landings.

This shows that all those sink gillnets can catch a range of species. Fishermen can and do target smooth dogfish effectively. That brings us to the fishery considerations. In summary, based on the VTR analysis of sink gillnet trips, the majority of smooth dogfish landings were caught on trips that retained at least 75 percent

smooth dogfish. Almost half of the trips that landed smooth dogfish in sink gillnet gear, would be considered a directed smooth dogfish trip.

The 25 percent catch composition is unlikely to change fishing effort to a great extent. This moves us into the management program options considered today. There are two options. Option A is status quo, and this simply means that no catch composition requirement applies. This would also mean that the state and federal FMPs would not be consistent on this issue, whereas if you moved to Option B, this would establish a catch composition requirement for commercial processing for smooth dogfish at sea; and I'll read it. Fishermen in state waters and in possession of a valid state commercial license, can eviscerate and remove the head and all shark fins of smooth dogfish while at sea, provided smooth dogfish make up at least 25 percent by weight of total catch onboard at the time of landing. Fishermen may retain other sharks onboard, provided the fins of shark species remain naturally attached to the carcass through offloading, as already described in the coastal sharks FMP. The language in this option is consistent with what is Amendment IX. With that I'll take questions.

CHAIRMAN NOWALSKY: Thank you for that presentation, Ashton. Do we have any questions for Ashton? Mike.

MR. MICHAEL LUISI: Ashton, you mentioned initially when you started looking at catch, whether it was federal or state waters or by state that you kind of immediately came upon road blocks. Are there any suggestions as to how we could get around those, or figure out a way to look at the data to be able to tease out the state landings?

I think where these fish are being caught is an important element to this, to determine whether or not we implement similar measures in federal waters or state waters. The question is, is there something you can provide us, or any

ideas as to how we might be able to get around those road blocks?

MS. HARP: This was a question that I came around to with the PDT several times. In certain states that have a trip ticket system, like North Carolina, we are able to see state landings in state versus federal waters; and I have that slide to show you. But in other states it is just not there. When I asked they were like, what is available in ACCSP is what we have available for this fishery.

Also, it would take a considerable amount of work to do some of this, especially the catch composition analysis, not even determining if it is state versus federal waters; that's hard, but also doing a catch composition analysis in addition. The PDT thought about this and then thought about the motion that was described at the board; that the intent of this is to kind of be consistent or present an option that is consistent with the federal FMP, and should we go down this road not knowing if we're going to get the amount of data that we want?

MR. CHRIS BATSAVAGE: Ashton, you used the VTR data for your analysis, and that basically is for boats with a northeast permit. Did you have any information on vessels with like southeast permits, for folks fishing in the South Atlantic to get an idea of their catch composition, or even possibly where they're fishing; as far as state or federal waters, based on statistical area that they are recording?

MS. HARP: We did not look at that information specifically, but in North Carolina we did see that about 62 percent of the harvest is in state waters. We know that as you know, North Carolina is split between the northeast and the southeast regions, and so one of the caveats that I did put in the addendum is that this federal VTR data only considers people who have a northeast regional permit, so it would include a good portion of North Carolina and everyone below that.

MR. JASON McNAMEE: This is a little off the topic of catch composition, but I became aware that the PDT had a discussion about another potential inconsistency, and this is language of offloading, which is in the federal plan. In our plan it is harvest and landing. What I am trying to get a sense from you, Ashton, was that itemized out as something that is important and something we should potentially do for this, since we're in the process of potentially taking an action here; or it just kind of language, and the last thing that we don't necessarily need to worry about. I'm just trying to get a sense of your opinion on that.

MS. HARP: Okay, so this was a language in Option B. Just go back one slide. You'll see that we say in the first line that for the catch composition requirement, it is for the total catch onboard at the time of landing. That is fine. That is consistent with Amendment IX. Then the PDT had some talk about the term offloading.

Right now we say fishermen may retain other sharks onboard, provided the fins of other shark species remain naturally attached to the carcass through offloading. The majority of the PDT felt that it was important to be consistent with Amendment IX and use the term offloading, although that is not a term that is commonly used with the commission.

Carol can be more specific on this, but the term was used because it is more specific. It requires that a vessel would not only have to land, but it would have to offload those sharks as well. They felt that that language was important to them, and we felt that if we want to be consistent with Amendment IX, then we should incorporate that language into this option as well.

CHAIRMAN NOWALSKY: Follow up, Jay?

MR. McNAMEE: It actually is in there in a way that is consistent; at least in the addendum that is going out for comment, it is in there in a consistent way.

MS. HARP: Yes it is in there, and it is consistent with Amendment IX, with the federal text as well.

CHAIRMAN NOWALSKY: Okay seeing no other hands up, I would entertain a request for any changes to the addendum, or seeing none; what is the will of the board, as far as moving it forward for public comment? A motion to move it forward would be required. Mr. Clark.

MR. JOHN CLARK: Move to approve the addendum for public comment.

CHAIRMAN NOWALSKY: I have a second from Bill Adler. We'll get that up and then I'll read it. Move to approve Addendum IV for public comment. **Motion by Mr. Clark, second by Mr. Adler, discussion on the motion, seeing none is there any objection to the motion? Seeing none; the motion passes.** Is there any other business to come before us on the matter of the addendum, Ashton?

MS. HARP: No.

CHAIRMAN NOWALSKY: Do we need to address requests for public hearings here?

MS. HARP: Yes, if your state would like a public hearing, can you please see me after the meeting, and I can start setting that up right away.

ADJOURNMENT

CHAIRMAN NOWALSKY: Okay, is there any other business to come before the board? Seeing no other business, and having completed the agenda; the board is adjourned. Thank you.

(Whereupon the meeting was adjourned at 10:07 o'clock a.m. on May 5, 2016.)