

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

**The Westin Crystal City
Arlington, Virginia
Hybrid Meeting**

May 4, 2022

Approved November 9, 2022

Proceedings of the Coastal Sharks Management Board Hybrid Meeting
May 2022

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INDEX OF MOTIONS

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of October 20, 2021** by consent (Page 1).
3. **Move to set the retention limit to zero (close the commercial and recreational fisheries) for shortfin mako upon implementation of the NOAA final rule** (Page 7). Motion by Mike Luisi; second by John Clark. Motion carried with 1 null vote (Page 9).
4. **Move to nominate Thomas Newman (NC) to the Coastal Sharks Advisory Panel** (Page 15). Motion by Chris Batsavage; second by Pat Geer. Motion carried (Page 15).
5. **Motion to adjourn** by consent (Page 15).

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ATTENDANCE

Board Members

Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, Administrative proxy
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Robert Brown, Sr., MD, proxy for R. Dize (GA)
Jason McNamee, RI (AA)	Lewis Gillingham, VA, Administrative proxy
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Shanna Madsen, VA, proxy for Sen. Mason (LA)
Matt Gates, CT, proxy for J. Davis (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Jerry Mannen, NC (GA)
Jim Gilmore, NY (AA)	Bill Gorham, NC, proxy for Rep. Steinberg (LA)
Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA)	Mel Bell, SC (AA)
Joe Cimino, NJ (AA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Tom Fote, NJ (GA)	Doug Haymans, GA (AA)
John Clark, DE (AA)	Spud Woodward, GA (GA)
Roy Miller, DE (GA)	Hannah Hart, FL, proxy for J. McCawley (AA)
	Karyl Brewster-Geisz, NMFS

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

Staff

Bob Beal	Emilie Franke	Sarah Murray
Toni Kerns	Lisa Havel	Julie Simpson
Tina Berger	Chris Jacobs	Deke Tompkins
Kristen Anstead	Jeff Kipp	Geoff White
Maya Drzewicki	Dustin Colson Leaning	

Guests

Debra Abercrombie, US FWS	Deborah Hahn, US FWS	Leonard Rudow, <i>Fish Talk Mag</i>
Jordan Andrews, <i>Press Herald</i>	Brenden Harrison, NJ DEP	Sean Breit-Rupe, Thompson McMullan
Max Appelman, NOAA	Greg Hinks, NJ DEP	Chris Scott, NYS DEC
Pat Augustine, Coram, NY	Carol Hoffman, NYS DEC	Somers Smott, VMRC
Alan Bianchi, NC DENR	Jesse Hornstein, NYS DEC	Carrie Soltanoff, NOAA
Karen Bradbury, Ofc. Sen. Whitehouse	Jeff Kaelin, Lund's Fisheries	Drew Sommo
Bill Brantley, NC DENR	Carl LoBue, TNC	Craig Weedon, MD DNR
Jeff Brust, NJ DEP	Paul Marzolla	John Whiteside
Laura Cimo, NOAA	John Maniscalco, NYS DEC	John Page Williams, CBF
Maureen Davidson, NYS DEC	Kim McKown, NYS DEC	Ann Williamson, NOAA
Guy DuBeck, NOAA	Steve Meyers	Steve Witthuhn
Dawn Franco, GA DNR	Rob O'Connor, NYS DEC	Chris Wright, NOAA
Pat Geer, VMRC	Derek Orner, NOAA	Renee Zobel, NH FGD
Bob Giordano	Michael Pierdinock	
	Jill Ramsey, VMRC	

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, a hybrid meeting, in-person and webinar; Wednesday, May 4, 2022, and was called to order at 10:15 a.m. by Chair Robert E. Beal.

CALL TO ORDER

CHAIR ROBERT E. BEAL: I would like to call to order the meeting of the Coastal Sharks Management Board. My name is Bob Beal; I am once again the stand-in Chair for this meeting. Mel Bell unfortunately is not able to be here, as I mentioned yesterday during the menhaden meeting. But Mel is online, if he has any comments we'll acknowledge him, for sure.

Erika Burgess from Florida is the Vice-Chair of this Board, and she's not here today. Hannah Hart is her proxy. Since neither the Chair nor the Vice-Chair are here, I will be chairing this meeting.

APPROVAL OF AGENDA

CHAIR BEAL: With that we'll jump right into it. Everyone has been provided an agenda in the supplemental materials that were sent around, and are on the Commission's website.

Are there any additions or changes to the agenda that is provided in the supplemental material? Seeing no hands, we'll have that agenda approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR BEAL: Essentially the same question for the proceedings from October of 2021. It's been a little while since this management board has gotten together. But the proceedings were on the briefing materials.

Any changes or adjustments to the proceedings of any sort? All right, seeing none, the proceedings from October of 2021 stand approved.

PUBLIC COMMENT

CHAIR BEAL: That brings us to public comment. Is there any public comment on items that are not included on the agenda? A pretty small crowd in the back of the room, and no hands are up.

No public comment that I can see. If needed, we'll provide the opportunity to have public comment later in the meeting.

CONSIDERATION OF ZERO RETENTION OR CLOSURE OF THE SHORTFIN MAKO FISHERY

CHAIR BEAL: With that I think we'll jump into Agenda Item Number 4, which is the Consideration of Zero Retention or Closure of the Shortfin Mako Fishery, and Karyl Brewster-Geisz from NOAA Fisheries is here, and she's going to give a presentation on the background of that. Whenever you're ready to go, Karyl, it's all yours. Thank you, glad to see you.

OVERVIEW OF THE NOAA FISHERIES PROPOSED RULE

MS. KARYL BREWSTER-GEISZ: Thanks, Bob, it's great to be here and to see everybody, and hello to everybody online. I'm here today to talk about our Proposed Rule on Shortfin Mako Sharks. I'll give you a little bit of the background and why we're doing this, and the request for public comments. Usually when I come, our rules have already closed public comment, but in this case, we are still open, so I'm looking forward to whatever comments all of you have. This proposed rule is a reaction to ICCATs, the International Commission for the Conservation of Atlantic Tuna recommendation on shortfin mako that came out of the November, 2021 meeting. If you remember, ICCAT recommendations are binding, they are not voluntary, so we are required to implement their recommendation, and that's what we are doing through this proposed rule. Our current regulations are not quite restrictive as the current ICCAT recommendation.

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A little bit of a reminder about what ICCAT has done over the past few years regarding shortfin mako. In 2017 ICCAT assessed shortfin mako, and found that they were overfished and experiencing overfishing, and that significant reductions are needed in mortality, in order to even begin rebuilding the stock.

In 2019 they updated that 2017 assessment, and found that even more reductions were needed than thought, and recommended that ICCAT adopt a non-retention policy to accelerate the rates of recovery. In 2019 ICCAT also adopted Recommendation 19-06 to maintain the measures in 17-08. That was that 2017 recommendation, and called for additional measures to establish the rebuilding plan. That is what ICCAT looked at in 2021.

ICCAT Recommendation 21-09 prohibits the retention of shortfin mako in 2022 and 2023. It looked at whether or not there could be an allowance for limited retention after 2023, if fishing mortality across all nations is reduced below 250 metric tons. Fishing mortality is all landings all dead discards, all fisheries.

SCRS will be looking to confirm how to calculate that 250 metric tons at its upcoming meetings. ICCAT recommendation 21-09 also included additional measures such as minimum standards for handling and release of shortfin makos, improving data and scientific research on mating, nursing grounds, and also looking at whether or not the minimum sizes we have in effect now are effective at reducing mortality.

I'm now going to remind you, all of you, what we did, we being the United States in response to the previous ICCAT recommendations. In 2018, after the 2017 stock assessment, we took emergency action where we prohibited the retention of any live shortfin mako on commercial vessels, and we also established a recreational minimum size of 83 inches.

In 2019 we proposed and finalized Amendment 11, and that changed things a little bit. That did

continue the commercial measures of no live retention. Pelagic longline vessels need to have electronic monitoring or videos to confirm that they are not retaining any live shortfin mako. Then recreationally we separated the minimum size into 71 inches fork length for males, and 83 inches fork length for females.

We also expanded the circle hook requirement. If you all remember, it was when we had Amendment 11 proposed that this body considered and then adopted Addendum V that allows for this body to make quick changes to minimum sizes and retention limits. Previously, before the 2017 stock assessment, U.S. catch across the entire Atlantic Basin represented approximately 14 percent of the total catch.

By 2020, as a result of the measures in Amendment 11, we reduced that percentage to 3 percent, and our U.S. catch and fishing mortality was reduced 90 percent from our 2013 to 2017 average. In other words, we did a really great job reducing our shortfin mako mortality. Unfortunately, that was not enough, and ICCAT now has a new recommendation, as I said 21-09, no retention for 2022 and 2023. We are proposing an alternative that would provide a flexible mako shark retention limit, with a default limit of 0 across the commercial and the recreational fisheries.

After 2023, if ICCAT determines that some retention is allowed, we could increase that retention limit. The retention limit would apply to all HMS permit holders, recreational and commercial, and all the existing prohibitions on other commercial gears would remain. During the fishing year we could increase that retention limit, once ICCAT tells us that we have that ability, or we could subsequently decrease it.

It all depends upon how catch rates are going. We are not setting an upper limit; we aren't setting what that retention limit would be above 0. It could be moving to 1 fish per person. If there is enough retention, it could be 1 per person per year. It really depends upon how much mortality ICCAT tells us we are allowed.

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Research of shortfin mako sharks would continue. Whether or not we allow researchers to retain dead shortfin makos would be done on a case-by-case basis, similarly to how we handle dusky sharks. Our preference is nonlethal sampling only. We did look at two other alternatives, one was keeping our no action or status quo measures from Amendment 11.

We determined that that was not consistent with ICCAT Recommendation 21-09. We also looked at whether or not we should prohibit shortfin mako sharks entirely, and decided that also was not consistent with the ICCAT recommendations, because the ICCAT recommendation does allow for retention at some point in the future. We are in the middle of the comment period, it closes next week on May 11th. We intend to publish the final rule in June.

That is when the entry into force date comes into effect from ICCAT, ICCAT is going to be holding additional meetings to test and determine the appropriateness of the additional measures in Recommendation 21-09. That brings me to the end, I am happy to answer any questions anyone has. If you have questions after the meeting, feel free to reach out to Carrie Soltanoff or Guy DuBeck of my staff, and you can always make comments at the web page as noted.

CHAIR BEAL: Great, thank you, Karyl for the presentation, and are there questions on the ICCAT decision or NOAAs proposed rule in response to that? John Clark and then Mike Luisi.

MR. JOHN CLARK: Thank you for the presentation, Karyl. I'm just curious, if the U.S. is only 3 percent of the take of mako sharks now, where is most of the catch coming from, and are those countries going to enforce this retention ban?

MS. BREWSTER-GEISZ: The negotiations at ICCAT were quite fierce last November, where

you had a number of countries, such as Canada, that have already banned the retention of shortfin makos, and then countries such as the U.S. and the EU that still allow for retention. It was negotiations between all of these countries and Japan that led us to the prohibition of retention. There are a lot of countries in ICCAT. I would just say that the EU had a number of those landings, just like the U.S. did, and the countries within the EU and Japan.

MR. CLARK: Do you anticipate that enforcement will be good in the EU?

MS. BREWSTER-GEISZ: That is the hope. ICCAT does have its Compliance Committee that looks at whether or not countries are following the recommendations.

CHAIR BEAL: Mike Luisi, go ahead please.

MR. MICHAEL LUISI: Thanks for the presentation, Karyl. I had the opportunity, gosh, probably four, five years ago now, to spend a couple weeks at an ICCAT meeting, and I've never seen anything like it in my life. It was mind blowing. I guess my questioning is kind of along the lines of John's.

You know I feel like when the recommendation comes out of ICCAT, the United States takes serious and swift action. But I got the sense during the discussions that we were having at that meeting that there really isn't anybody being held to the fire, I guess. I mean there is a Compliance Committee, I understand that.

But it just is concerning that as John mentioned. You know we are a small fraction of the mortality, and we take these measures. It's responsible to take the measures. I just hope that in your work with ICCAT that we can really try to come up with a way to hold people accountable, hold other countries accountable for what those recommendations are. That is my comment, thank you.

CHAIR BEAL: I have Jim Gilmore, then Jason McNamee, then Tom Fote.

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MR. JAMES J. GILMORE: Thanks, Karyl, that's a great presentation. The Rule and even for ICCAT, is essentially a retention rule. Is there anything in there about targeting, or is it just simply retention?

MS. BREWSTER-GEISZ: Because there is no retention allowed, it doesn't really get into targeting. Although it does make it very clear that even once retention is allowed, it will be retention only of dead shortfin makos, that there will be no retention of live shortfin makos. The measures implemented in the recommendation also strengthen a lot of those data reporting requirements. Hopefully that will address some of the compliance issues that we've had.

CHAIR BEAL: Jim, you're all set, all right, Jason McNamee.

DR. JASON McNAMEE: Thank you for the presentation. My question is on the, so it's being reevaluated. It seems like a short amount of time. I'm wondering if there is going to be enough information to make sort of a judgment in 2023 that is different, or can we assume that, and I'm supportive of this by the way, but just wondering if we can sort of assume that this will persist probably past 2023.

MS. BREWSTER-GEISZ: I will tentatively say yes that I expect that it is unlikely all the countries will arrive at a point where all mortality from any catches is below 250 metric tons as soon as 2024. There is going to be another stock assessment, I want to say in 2024. We will have more information at that point. But as Europe has committed to looking at all the data that's coming in, and also trying to determine if the minimum sizes that we have currently in place would be effective, or if there are other measures effective in reducing mortality of makos once they're caught.

CHAIR BEAL: Thanks, Karyl, and Tom Fote, then I'll go to Doug Haymans.

MR. THOMAS P. FOTE: I was a little confused what you said, Karyl, because I understood you said both the recreational and the commercial, they reduced, they allow us to have a bycatch. But the recreational always lands live, so that means they will never be allowed to have a bycatch like in the commercial. I've got a second question after that if you want to answer that one first.

MS. BREWSTER-GEISZ: I'll answer that one first. Yes, the recommendation currently is dead only once retention is allowed. But ICCAT will be looking at those minimum sizes, and if they find that the minimum sizes are effective, then there is that possibility for live retention.

MR. FOTE: Okay, my second question is, what are the landings? Does ICCAT have any estimate of what the landings are by the nonmember countries that are not members of ICCAT, what their landings of shortfins are?

MS. BREWSTER-GEISZ: I do not have the answer to that one, I will get back to you. My thought is that most of the countries that are involved in ICCAT are the ones landing. There aren't that many.

MR. FOTE: I think of a couple, maybe it's changed over the last couple years, there were a lot of countries that were landing all kinds of things, and they weren't members, and they were actually landings in those countries, because they could away with not landing in ICCAT country. I don't know if there is any way of recording those numbers, and what the actual loss is. I'm sorry, I wasn't speaking into the microphone, did everybody hear me? Okay, thank you.

CHAIR BEAL: Tom, you all set, Karyl, you're all set? Mr. Haymans, please.

MR. DOUG HAYMANS: Karyl, I'm not speaking for everybody, but I certainly I'm just going to echo the fact that it's very disappointing that we just made regulations in the process we go through in the states, and now we have this. But more so, because this is controlled through the HMS permit, at least on the recreational side.

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Is there really anything that some of our states need to do? I mean if we've already got in place the Amendment 11, or whatever it was, the 83-inch limit, right. Because you said there is obviously a difference between the prohibited and retention, right. Do I really need to do anything if HMS permit is going to control it?

MS. BREWSTER-GEISZ: Thank you for that question. The answer is yes. There are a number of states that do not require HMS permits in order to go fishing for sharks in state waters. While it is rare that such a state water fisherman fishing in state waters would catch a shortfin mako, it is not impossible for one to land a shortfin mako, and that would have repercussions for the United States.

MR. HAYMANS: Short follow up. What are those repercussions?

MS. BREWSTER-GEISZ: United States would be found out of compliance with ICCAT, which would mean possibly trade restriction for U.S. fish, or additional measures against us.

CHAIR BEAL: Hannah, do you have your hand up? Hannah Hart, please.

MS. HANNAH HART: Yes, I guess just a follow up to that. Is this something that we could consider *de minimis* for on a species level, given that, you know landings in state waters, especially recreationally are probably very few and far between? I don't know that we can disperse that MRIP data out, but just curious if that could be something we could consider.

MS. BREWSTER-GEISZ: ICCAT doesn't have a *de minimis* standing.

CHAIR BEAL: Any other hands around the table in the room? I've got one online, Lewis Gillingham, go ahead, please.

MR. LEWIS GILLINGHAM: Thank you, Karyl for the presentation this morning. I think

inadvertently you've answered my initial question, which was that 250 metric ton threshold is for all 50 odd countries involved, not just the U.S. Then I would just remind, when we did this back in 2019, the major concern was exactly what's being expressed now, that are the other countries going to follow suit, where with these size limits we've almost essentially shut down the recreational fishery. I think people are afraid to keep a mako period, because they don't want to handle those bigger fish, plus they're not sure they can identify the males from females, I think it's almost gone to zero, so that has been very effective. That's all, thank you.

CHAIR BEAL: Other comments or questions? I've got a couple hands online. Bill Gorham, go ahead please, Bill.

MR. BILL GORHAM: Is there currently any countries that are out of compliance, or have been warned that they will be out of compliance in reference to this fishery? It seems like there is some resistance from other countries to follow suit with a drastic reduction, while the United States leads with only 3 percent, and a 90 percent reduction from when first asked. When you talk to fishermen, you kind of like to hear the light at the end of the tunnel, and it doesn't appear to be possible without the action of other countries.

MS. BREWSTER-GEISZ: At this point there are no countries that have been found out of compliance with recommendation 19-06 for ICCAT, which does allow for some retention of mako.

CHAIR BEAL: All right, that's all the hands I see around the room and online, so what is the pleasure of the Board? Is there a motion to take like action as a Proposed Rule from NOAA or anything else? Oh, Dan, you had your hand up before. I'm sorry.

MR. DANIEL MCKIERNAN: I guess I'm looking for guidance. I guess it's been identified that a recreational permit holder in state waters isn't subject to the federal HMS requirements, and so is it the expectation of NOAA that we would ban the

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harvest, and then write a caveat within the rule that federally permitted vessels, which we do for a lot of other fisheries.

Federally permitted vessels are allowed to bring product in, subject to federal rules. Is that the end point? I'm going to have to go back home. Then my second question is, what would be the timing for which we would enact this rule to satisfy the folks at NOAA and ICCAT?

CHAIR BEAL: Karyl, can you reply to that?

MS. BREWSTER-GEISZ: Yes. It would be wonderful if this body could enact measures that are consistent with what we're proposing. It is a binding recommendation, so at minimum we do need to prohibit retention this year and next year. That could be done through doing something like what we're proposing.

Changing the retention limit to zero, and providing some flexibility, which I believe Addendum V provides, or it could be that this body decides it's easier to just prohibit the retention of shortfin mako in state waters. There are lots of ways to go about doing it, but it would be really good if this body could be consistent with the recommendation.

CHAIR BEAL: You all set, Dan? Great, thanks. Yes, Tom, one more shot at it then Mike Luisi, did you have your hand up?

MR. FOTE: Yes, I just wanted to clear up what Dan said. I don't think that if you have an HMS permit, that even if you're fishing in state waters. It was like every other federal permit. If you have the federal permit you have to basically do the example of what's the most stringent regulation. If you have an HMS you can't fish in state waters. Is that correct?

MS. BREWSTER-GEISZ: That is correct, yes. If you have an HMS permit you have to abide by the more restrictive regulation, whether it's federal or state, because there are states that are more restrictive than us.

MR. FOTE: Because that really just affects people that are bycatching a mako while they're fishing for striped bass or something else in state waters, because if you're really targeting some sharks, no matter where you are you really have to have a federal permit.

CHAIR BEAL: Mike Luisi, go ahead, please.

MR. LUISI: Based on your request and the recommendation from Karyl, I think in the past we've tried to maintain consistency with the federal rulemaking process. I'm not prepared to go back home and start making changes now, but I think based on the final rule and the action that NOAA Fisheries takes on this, that it would be in the best interest of this Board to maintain that consistency. I'm happy to make a motion.

CHAIR BEAL: Mike, let me interrupt you. The staff has drafted a motion here, but it's essentially immediate. You know states would implement a zero retention or close their fisheries for shortfin mako right now. If you want to modify that to say upon publication of the final rule at NOAA, we would have to put that in there.

It depends on what the will of the group is, and what you want to do as the maker of the motion. If you want to close it now or wait until the final rule. We just need to put the final rule language in here, if that is what you want to do. The final rule should be out in June, right, Karyl? Yes, she's shaking her head, yes.

MR. LUISI: Yes, I think for the purposes of what we have to do at the state level, it would make more sense for me, personally, to implement that measure after the final rule. It will be an easier process. **I would move to set the retention limit to zero for shortfin mako, close the commercial and recreational fisheries for shortfin mako upon implementation of the NOAA final rule.**

CHAIR BEAL: Is there a second to that? John Clark, thank you. Discussion on this motion. A number of states around the table have their regulations linked to the federal regulations. Once the federal

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regulations go in place they automatically change. Maybe the timing, linking it to the final NOAA rule would make more consistency across our states. That might work. Other comments. I saw a couple hands, Chris Batsavage. Well, Mike, you're the maker of the motion. I'll go back to you, then Chris.

MR. LUISI: Yes, I'm not trying to complicate things. I hope it would be easier for the states around the table to implement those measures based on the final rule. But if not, I certainly welcome any comments on that.

CHAIR BEAL: We'll see where this takes us. Chris Batsavage.

MR. CHRIS BATSAVAGE: Yes, I can support the motion. I supported being consistent with the federal measures anyways. This gets to the point that not every state's administrative process is the same, and some states take a little longer than others. We could probably have this implemented in North Carolina right around the time the final rule comes out.

But I think it's important to have the consistent measures, just to close any potential loopholes that could occur with not having the same things in place in state waters, even though it might be unlikely to have makos in state waters. All you need is somebody to tell an enforcement officer that it caught it in state waters, and they have a hard time defending that in court. That's why I'm supporting this.

CHAIR BEAL: Dan McKiernan, please.

MR. MCKIERNAN: Yes, I can support the measure, I just want there to be realistic expectations that each of us is going to have a unique rulemaking timeline, and so by virtue of getting the summary motions from this meeting, I'll be able to serve that upstairs, and I'm sure we can get it close to the adoption of the federal rule, but it may not be on the same timeframe.

CHAIR BEAL: That's fair, and I think a lot of states will be in that same situation. The administrative timelines to get these in place will vary, but the process will be started by this motion. Other comments. Yes, Chris.

MR. CHRIS WRIGHT: I would just like to repeat the having the specific language for the implementation of a NOAA rule is going to help. You know we have a fairly extended process for rule implementation, so our stuff ties to federal regulations, so this makes it a whole lot easier for us.

CHAIR BEAL: Great. I had Hannah.

MS. HART: Yes, I guess just a clarification question on timelines. We would still have some time after June to get this put in place. It's not like it has to be in place by June.

CHAIR BEAL: Yes, I think the idea is as soon as possible, given your administrative process after the publication of the final NOAA rule would be the goal. I know that's a little bit of a soft goal, but I think it's the best we can do with a short timeline and that sort of thing. But everybody's working in the same direction. Pat Geer.

MR. PAT GEER: Virginia is in favor of this. We will probably be able to do this in July at our meeting, so it will probably be effective August 1, so we're saying we'll be okay with that.

CHAIR BEAL: Thanks, Pat, also from Virginia I've got Lewis Gillingham online. His hand is up. Lewis, do you have something to add beyond Pat's comment?

MR. GILLINGHAM: Well, that is essentially what I was going to say as well. But I know Toni passed a poll to get an idea when states could implement that, and I didn't see that in any of the meeting materials, including the supplemental. Would this be a good time to take a look at that? I would like to know the results of that. But I know we support the idea of it, it's just the timing, the compliance time. Thank you.

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CHAIR BEAL: Yes, Lewis, thanks for that suggestion. I think we've got a whole other agenda item and only about a half an hour to go in this meeting. Rather than go state by state through that poll, we can share that information with the states after this meeting. But I think the idea is pretty clear on the record from folks in the room that administrative processes vary up and down the coast. But everybody will try to do the best they can, and move as quickly as they can within their process, if that's okay.

Mel Bell, you had your hand up earlier, but I assume Chris McDonough made the same comment you would have made, is that correct? We can't hear you, Mel, but Chris verified you're all set, so we're good. Any other comments on this motion? All right, I'm going to take a gamble here. Is there any opposition to the motion that's on the board from folks around the table? I should have asked for caucuses, but it seemed like everyone was on pretty close to the same page here. **I don't see any hands for a caucus or any opposition to this motion. Are there any abstentions to the motion? Seeing no hands, the motion passes by consent.** We are all set. Yes, Mr. Haymans, go ahead.

MR. HAYMANS: There is a null down here from Georgia.

CHAIR BEAL: Georgia is a null vote, all right, n-u-l-l, sorry. Thank you, we will get that in the record. Georgia is a null vote. Excellent, so anything else on shortfin mako? Karyl, are you all set?

MS. BREWSTER-GEISZ: Yes, thank you very much.

CHAIR BEAL: Great, thank you. All right, we're going to go on to the next agenda item, which is talking about CITES and a number of sharks that are being proposed to be added to Appendix II. There are 54 species there for listed, and 50 lookalikes, and Dustin can take us through that

and give us the background on the issue. It's all you, Dustin, go ahead.

MR. DUSTIN COLSON LEANING: In the interest of time and striped bass today, I'll try to move through this quickly. The Commission was recently made aware of the fact that Panama has proposed a listing of four IUCN listed shark species to CITES Appendix II. The Ganges and the smalltail shark are assessed as critically endangered globally, and the dusky and the grey reef shark are assessed as endangered globally.

The proposal asserts that the regulation of trade in these species is necessary to avoid them from becoming eligible for inclusion in Appendix I in the near future. I'll get into what each of the appendices mean in a little bit. The proposal also includes the remaining members of the Carcharhinidae family, which includes 50 species.

The justification is provided that the fins and meat of these four species are very difficult to differentiate from the other 50 species in the family, many of which are already classified under IUCN as endangered as well. The proposal elaborates that customs enforcement capacity varies by country, and visual inspection is often the only tool available at their disposal for some countries.

To ensure none of the four proposed species slipped through undetected, they proposed all 50 lookalike species be included in Appendix II, which identification experts and educators say can be visually differentiated from other species that would not fall under CITES Appendix I and II listing. As a reminder, CITES Appendix II listing still allows for the international trade of that species, so long as the exporter is granted an export permit or a re-export certificate.

Permits or certificates are only to be granted if the relevant authorities are satisfied that certain conditions are met. Above all, that trade will not be detrimental to the survival of the species in the wild. Often CITES Appendix II listed species are not necessarily threatened with immediate extinction,

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but increased trade may bring them into that category, which would fall under Appendix I, a species that is threatened with extinction. Of the 54 proposed species, 12 of the species are currently managed by the Commission, and they are listed up here on the screen, by group as well. Blue, Bull, Blacktip, Lemon, Finetooth, Atlantic Sharpnose and Blacknose sharks are all currently quota managed species managed by the Commission within the Coastal Sharks FMP. Smalltail, Dusky, Caribbean Reef, Bignose and Galapagos sharks are prohibited species within the Commission's FMP. For your reference I've also provided stock status by species. Blue sharks, Atlantic Blacktip sharks, Atlantic Sharpnose, and Finetooth sharks are assessed to be not overfished, nor was overfishing occurring during the last assessment.

Blacknose and Dusky sharks are overfished and experiencing overfishing, as of the latest stock assessment, and the remaining six species, their stock statuses are just unknown at this point. I'll close with a quick snapshot of commercial landings in pounds for the seven species that are quota managed.

The fisheries for Blue, Bull, Lemon, Finetooth and Blacknose sharks have been quite small in the five of the most recent years for which we have data for. Blacktip and Atlantic Sharpnose shark harvest is between the 100,000 and 300,000 pound range from year to year. Now that you've been briefed on this issue, the question for the Board's consideration is, if the Commission should comment on this proposal, to add 54 shark species to CITES Appendix II.

Deb Hahn from the Association of Fish and Wildlife Agencies originally brought this to ASMFCs and to state agencies attention, to see if the Commission would like to provide comment on the draft proposal, and they are looking for comment in a relatively fast turnaround, hopefully by the end of next week.

If it is the will of the Board here to have the Commission provide comment, that would be a

tasking to the Policy Board to consider this issue again tomorrow. We do have a draft motion prepared, but it might be helpful for the Board to discuss some justification, or some of the content that they would like to be included in a letter, if such a letter is desired to be written.

CHAIR BEAL: Great, thanks, Dustin. Let's start with questions or comments on Dustin's presentation, and you know the CITES process is something ASMFC kind of dabbles in it from time to time. Process-wise I get it's not super familiar to all of us, but the question is, do we want to send a letter commenting on this, and if we do, what do you want the letter to say? Are we in favor or in opposition? If we're in opposition, why? What justification do we want to provide in that? With that, questions and comments. John Clark.

MR. CLARK: Yes, I just had a question, Bob. How much of the shark landed here is exported or would have some of these limits put on it?

MR. COLSON LEANING: It's a good question. I wish I was prepared for that question. I would have to get back to you on that.

MR. CLARK: If I can just follow up. I mean this is what would be covered, right? It's banned to the export of this shark, so if none of it is being exported it's not really a problem here.

MR. COLSON LEANING: Yes, that's correct. It would only be additional paperwork for exports. I definitely can get back to you on that, and I'm also wondering. I'm not sure if Karyl, with more experience working with coastal sharks, might have an idea. Sorry to put you on the spot, Karyl. If you don't have an answer that's completely fine.

CHAIR BEAL: Karyl, before you answer really quick: John, this doesn't ban the exports, it just creates a whole boatload of associated paperwork.

MR. CLARK: No, I get that, Bob. If it's one of those things where we're not doing this anyhow, I don't have any problem with joining CITES on it.

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CHAIR BEAL: Fair enough. Karyl, do you have any numbers on exporting or product that stays domestic?

MS. BREWSTER-GEISZ: I am opening up our SAFE Report to find out the numbers. It is not just additional paperwork for the dealers, it's actually a lot of paperwork for the dealers. If I remember correctly, there are only certain ports that they can import and export product from, so this includes any product from the high seas, then good through the EEZ, which I think for most of the coastal sharks probably is not an issue. But let me get back to you. I'm opening the SAFE Report now, I'll get back to you in a minute.

CHAIR BEAL: Great, thanks, other questions while Karyl is picking through her files? I've got two hands online, Roy Miller, go ahead, please.

MR. ROY W. MILLER: A quick question. Since this proposal includes members of the family Carcharhinidae, the obvious question is some other families are currently not included, such as the hammerhead family, Sphyrnidae, the Tiger shark family. Are we going to see more of this in the future, or are they going to include the other shark species that might already be in the fin trade, such as the hammerhead?

MR. COLSON LEANING: Great question, Roy. There has been a proposed rule that has gone through the federal register of other shark species that have been proposed as well. U.S. Fish and Wildlife tends to categorize the listing of species in three different levels. Level A being most likely that U.S. Fish and Wildlife is going to put forward as a recommendation for Appendix II listing or Appendix I listing. No shark species made it into Row A, or Category A.

There were however, six species of hammerhead sharks that could potentially. The U.S. Fish and Wildlife is undecided at this time. They could forward a recommendation. None of those six, to my understanding, are within the species that the Commission manages. But

in Category C, I think environmental NGOs have pretty much proposed all sharks be listed. But U.S. Fish and Wildlife Service has indicated that they are unlikely to forward that as a recommendation, unless there is greater amounts of data or support for those listings.

CHAIR BEAL: You know Roy, I guess to add to what Dustin said. I think the international concern and interest in shark fin trade and other things. Probably the short answer to your question is yes. More of these things are going to be proposed in the near future would be my guess. Mel Bell.

MR. MEL BELL: Yes, John kind of hit on it. I don't really have a clear picture on, and that's what Karyl is looking for, I guess, on how much actually gets exported. I know it's not something we track at the state level. We basically just deal with the initial wholesale dealers. But I was wondering, and Karyl mentioned that there was significant, I guess paperwork associated with this for the dealers. But is there also a requirement for the states to basically be involved in permitting oversight or something? Beyond just the dealers, could the states get kind of dragged into the administrative process of this?

CHAIR BEAL: I think Karyl is going to help us with this, and she may have also opened the SAFE Report and can help with John Clark's question from earlier.

MS. BREWSTER-GEISZ: I will try to answer all the questions that have come up. In terms of shark exports. The U.S. doesn't export a lot. We do not have data by species. U.S. Census data does shark fins, shark fresh, shark frozen. In 2010, for example, we had 36 metric tons of fin exports. Now it's down to 3 metric tons in 2020.

Fresh exports were 222 metric tons of shark exports, and in 2020 it was 427, so that one went up. Frozen exports went from 244 in 2010 to 109 in 2020. Also keep in mind this is not just the Atlantic, this is the entire U.S. exports. There is not a lot, compared to some of our species, but it does seem to be increasing on the fresh exports.

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There was a question about hammerhead sharks. Hammerhead sharks, great, smooth and scalloped are already listed on Appendix II. The proposal that has come forward is to list all the rest of the hammerhead species, and that includes for our purposes bonnethead sharks. Whether or not they should be listed, and the whole purpose there is fin look alike. All of this is people saying that the fins of the sharks look alike, and it's too difficult for enforcement to monitor them. In terms of the paperwork. I don't know specifically if the states would be involved.

I think they would be. Fish and Wildlife Service is the one who issues all the permits. They do reach out to us when they get applications for us to check our data. I am assuming, though I don't know for sure, that they would also reach out to the states to see if there is state data that would be applicable to making their decision on whether to issue the permit.

CHAIR BEAL: Great, thanks, Karyl, that's helpful on the import/export for sure. Dan McKiernan.

MR. McKIERNAN: Yes, just a point of clarification, Bob. I've been copied on two letters from Massachusetts Industry interests about possible listing of spiny dogfish and Winter Skate. Is this a separate issue that we're going to discuss either under Other Business, or by the Policy Board?

CHAIR BEAL: Yes. The idea was to see where this goes specific to these 54 species, recommendation to the Policy Board. During the Policy Board we were going to bring up spiny dogfish, as you recommended. American eel is back being proposed to be listed in Appendix II, again, we've commented on that multiple times. We're going to tackle both of those tomorrow during Policy Board.

MR. McKIERNAN: All right, thanks.

CHAIR BEAL: Any other comments on what to do with this later? I do have Deborah Hahn

from Association of Fish and Wildlife Agency. She's kind of the CITES expert, so she might be able to help us out. I'm going to go to Deb, and hear her comment, and hopefully she can clarify some of these questions. Deb, are you available?

MS. DEBORAH HAHN: Yes, thanks, Bob. I was talking with Toni earlier this week and catching up in e-mails with Dustin, so I thought I would join in today just in case. Yes, so you've got a couple different things going on here. You've got a proposal from the country of Panama for the species that you just heard about, and then you have a federal register notice process, where the Fish and Wildlife Service goes out to the public and says, let's use considered listing, delisting, up listing, whatever it is within the CITES appendices.

That is where these other species of sharks and rays will come in in your discussions tomorrow. Because they are in the undecided category within the federal register notice. If you do have any concerns, I'm not as familiar with shark's export. But it sounds like there is not a lot. But if there are concerns, it would be great to share those, just so that data and that information is in the public record, and Fish and Wildlife Service can take that into account when they make their decisions.

It is likely with sharks, I mean I kind of feel like we're destined to have them all listed eventually, and that's kind of the example of the Panama proposal, where you have a whole suite of sharks, and then a whole other 40 or more that are listed for lookalike issues. Again, as you guys noted, Appendix II did not ban international trade. It does add a burden to folks who are applying to new species internationally.

From a state perspective, it just sort of depends. Some of our states that export a lot of Appendix II species or support that export, like in Bobcat have to do tagging, have to do reporting every five years. For these sharks it should not be that burdensome. You may get a question from Fish and Wildlife every now and again about an export, and information on your laws and regulations.

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One of the things they do is one, they make sure it was legally taken within the state regulations, and then also they may ask for data over time to try to determine whether the case is sustainable. That is where the voting can come in, but I don't believe it would be a lot, and I don't believe it would be regular communication on that.

AS for American eel, it is in the unlikely category within the federal register notice. It would be great just to have some public record comments from all of you on that just so they are there. But it is highly unlikely that there will be anything moving forward on American eel this year. I'll stop there and answer the comments.

CHAIR BEAL: Great, thanks, Deb, for the comments. Very helpful, and we'll see if there are questions directed at you. I've got one more member at the table, then I've got one member of the public with his hand up. I'll go to the table, Spud Woodward, and then we'll go to the member of the public.

MR. A.G. "SPUD" WOODWARD: Question for Karyl. Where are we in terms of harvesting along the Atlantic coast, sharks pursuant to the quotas? Are we hitting the quotas? Are we chronically under harvesting? What is the general trend?

MS. BREWSTER-GEISZ: We are so far below the quota of all of these species.

MR. WOODWARD: I guess this is my comment on this is, in the South Atlantic, and I assume this is going to become a problem farther north is, shark depredation is an increasingly annoying problem. It's leading to increasing fishing mortality; you know when fish have to be discarded and then replaced by a whole fish that can be legally landed.

My question is, is this going to further disincentivize commercial harvest, and lead to further depression of domestic landings? A lot

of folks, right or wrong, perceive that one of the solutions to shark depredation is to max out the allowable removals, you know whether it be recreational, but primarily commercial. I guess my question is, is this going to be a disincentive that may continue to dampen down domestic landings?

CHAIR BEAL: Is that rhetorical, Spud, or are you directing it at someone?

MR. WOODWARD: No, I would like somebody to give me at least a perspective on it, because just as a lay person that's not involved, the more complicated you make things, sometimes that's just another disincentive for people to do it. I'm just curious if it's enough of a disincentive that it will affect people's willingness to stay in the shark fishery, to be active in the shark fishery, that kind of thing.

CHAIR BEAL: Karyl, you took your mask off like you are willing to respond. I don't know if you want to respond. Do you have a response to that?

MS. BREWSTER-GEISZ: I can tell you what we've been hearing. We recently released our shark fishery review. It is a draft document; we're still working on the final. What we found is that the commercial shark fishery overall is not doing well. Number of permits are decreasing. The trend in the retention of sharks meeting the quotas is going down. The number of active permit holders is going down.

A lot of this happened after hammerhead sharks were listed. Dealers have reported difficulty getting the permits or even having the context in which to make the sales if they happen to get a Fish and Wildlife permit to export hammerhead sharks. In short, what I am hearing is the fishermen and dealers are telling us that yes, at least listing hammerheads and silky sharks and the other sharks that have recently been listed as Appendix II has been a disincentive for people to come into the fishery.

CHAIR BEAL: Thanks, Karyl. As I said, I have one hand in the public, then we can come back and talk

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about whether we should send a letter or not. With that, John Whiteside, just pretty quickly. We're starting to run a little bit late on time here, so if you could make your comment quickly that would be great.

MR. JOHN WHITESIDE: Yes, good morning. This is regarding spiny dogfish and Winter Skate. It's tied into what you're saying, so I'm not sure whether I should comment now or you want me to wait on that. I'll hold if you want.

CHAIR BEAL: Yes, let's wait on that until tomorrow's Policy Board meeting if you're okay with that, John.

MR. WHITESIDE: I am, as long as that's also going to be the last comments that would be taken before a decision on sending a letter or not, because that is what this is all about.

CHAIR BEAL: Well, the decision on the shark letter that we're talking about now is an independent decision from the spiny dogfish letter, so it will be two different suggestions.

MR. WHITESIDE: Okay, thank you very much.

CHAIR BEAL: With that, you know as I mentioned, we've commented on eels, this isn't an Eel Board meeting, but we have commented on eels as a Commission that said, we don't support listing in Appendix II, because ASMFC and the states have a very stringent management program, very restrictive quotas, very effective management.

The import and export are highly controlled on America eels, especially elvers, export of elvers is highly controlled through a few control points, et cetera, et cetera. Does this group want to say something similar to that about sharks? In other words, very conservative management program in the United States, effective shark finning enforcement and monitoring and that sort of thing, if folks feel that way?

Is that kind of the idea that folks want to put into a letter, or the other way, which is does this Board support the listing in Appendix II. It is really up to the group, but I just wanted to give everyone perspective on what this group has said, what the Commission has said about American eel in the past.

With that, any thoughts or comments on where we go from here? I sense not a strong feeling around the room. Anyone, just general direction. A letter to highlight the concerns that the Commission has, or letter to highlight support that the Commission has? Any direction at all would be great. Tom.

MR. FOTE: I just have great difficulty that we're putting things on lists just because they can't basically enforce what the laws are doing. Sooner or later we'll basically be putting a lot more sharks and everything else on these lists. Over the years I've been here a long time, I notice we never go back the other way. I'm still struggling with the bluefin tuna allocation that was made 30 years ago on the recreational sector. I have a problem. I would support the letter, because I just think it's so much paperwork and everything else involved that we don't need at this time. I'll leave it at that.

CHAIR BEAL: Mel Bell, you have a comment?

MR. BELL: Yes, you know we expressed a number of concerns in all of this. I just felt like maybe it would be good to at least get those on paper, because I guess we're lateralling this to the Policy Board for tomorrow. I'm not sure exactly what to say, but if somehow, we could capture some of our concerns at least, have them on a record. I would be in favor of saying something. But I guess we don't have to decide that right now, that would go to the Policy Board tomorrow.

CHAIR BEAL: Yes, that would be correct, we'll go to Policy Board tomorrow, Mel. Rick, please, go ahead.

MR. RICK BELLEVANCE: I don't have a specific position on this, but I have served in a previous role as Co-Chair of the International Relations Committee for the Association of Fish and Wildlife

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Agencies, have worked closely with Deb Hahn for the last several years. Just to give some context.

Frequently the states have chosen to weigh in on these issues in the context of acknowledging the vital role that sustainable use plays in conserving our natural resources, and that that ought to be taken into consideration on these listing decisions. As a result, this body might choose to follow that sort of lead of expressing the importance of sustainable use in advancing the conservation of shark species.

CHAIR BEAL: Thanks, Rick, appreciate that comment. Others around the table. You know the other option is individual states can comment on their own, and the Commission doesn't have to comment, if there is a difference of opinion around the table. Go ahead Dan, please.

MR. MCKIERNAN: I would be in favor of the Commission writing a letter on behalf of the member states.

CHAIR BEAL: Dan, that letter would express concern with listing these 54 species in Appendix II?

MR. MCKIERNAN: Yes.

CHAIR BELL: Great. We at staff will try to come up with a couple bullets to capture this conversation, and maybe reference some of the previous letters that we've sent on similar things, and get those maybe up on a slide for the Policy Board tomorrow, if that works for everybody. We'll go the other way. Is there any opposition to forwarding that to the Policy Board as a recommendation? All right, we'll do that.

**REVIEW AND POPULATE THE COASTAL SHARKS
ADVISORY PANEL**

CHAIR BELL: We have one more agenda item on an Advisory Panel nomination. Tina, are you available for that?

MS. TINA L. BERGER: I am, thank you. I offer for the Board's consideration the nomination of Thomas Newman, an inshore gillnetter from North Carolina. Thomas replaces Dewey Hemilright, who served on the AP for many years, and we appreciate Dewey's contributions to the management program. I offer this for your consideration and approval.

CHAIR BEAL: Thank you, Tina, is there a nomination. Chris Batsavage.

MR. BATSAVAGE: I move to nominate Thomas Newman to the Coastal Sharks Advisory Panel from North Carolina.

CHAIR BEAL: Seconded by Pat Geer. Any opposition to this addition to the Coastal Shark Advisory Panel? **All right, seeing none; Thomas Newman is the newest member of the AP.**

ADJOURNMENT

CHAIR BEAL: Any other topics or other business to come before the Coastal Shark Management Board today? All right, seeing none we stand adjourned, and we'll start, I guess we have a little meeting of Striped Bass this afternoon. We'll start that at 11:30.

(Whereupon the meeting adjourned at 11:15 a.m.
on Wednesday, May 4, 2022)