

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

**The Ocean Place Resort  
Long Branch, New Jersey  
Hybrid Meeting**

**November 9, 2022**

**Approved May 2, 2023**

**TABLE OF CONTENTS**

Call to Order, Chair Mel Bell ..... 1

Approval of Agenda ..... 1

Approval of Proceedings from May 4, 2022 ..... 1

Public Comment ..... 1

Set Specifications for the 2023 Fishery ..... 1

Consider Fishery Management Plan Review and State Compliance of the 2020 Fishing Year ..... 2

Other Business..... 3

Adjournment ..... 7

**INDEX OF MOTIONS**

1. **Approval of Agenda** by consent (Page 1).
2. **Approval of Proceedings of May 4, 2022** by consent (Page 1).
3. **Move to approve the 2023 coastal sharks specifications via an email vote after NOAA Fisheries HMS Division publishes the final rule for the 2023 Atlantic Shark commercial fishing season** (Page 2). Motion by John Clark; second by Chris Batsavage. Motion carried (Page 2).
4. **Move to approve the Coastal Sharks FMP Review for the 2020 fishing year, state compliance reports, and the *de minimis* request from Massachusetts** (Page 3). Motion by Nichola Meserve; second by Eric Reid. Motion carried (Page 3).
5. **Motion to adjourn** by consent (Page 7).

**ATTENDANCE**

**Board Members**

Dan McKiernan, MA (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Lynn Fegley, MD (AA) (Acting)
Jason McNamee, RI (AA)	Russell Dize, MD (GA)
Dave Borden, RI (GA)	Lewis Gillingham, VA, proxy for J. Green (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Justin Davis, CT (AA)	Jerry Mannen, NC (GA)
Bill Hyatt, CT (GA)	Mel Bell, SC (AA)
Jim Gilmore, NY (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Joe Cimino, NJ (AA)	Doug Haymans, GA (AA)
Tom Fote, NJ (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)	Gary Jennings, FL (GA)
John Clark, DE (AA)	Karyl Brewster-Geisz, NMFS

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

**Ex-Officio Members**

Michael Thomas, Law Enforcement Representative

**Staff**

Bob Beal	Madeline Musante	Jeff Kipp
Toni Kerns	Emilie Franke	Dustin Colson Leaning
Tina Berger	Chris Jacobs	Adam Lee

**Guests**

Alan Bianchi, NC DENR	Mike Luisi, MD DNR	Chris Scott, NYS DEC
Jesse Bissette	Joshua McGilly, VMRC	McLean Seward, NC DENR
Phil Coates	Kelli Mosca, CT DEEP	Ethan Simpson, VMRC
Allison Colden, CBF	Nichola Meserve, MA DMF	Somers Smott, VMRC
Heather Corbett, NJ DFW	Brandon Muffley, MAFMC	Renee St. Amand, CT DEEP
Jessica Daher, NJ DEP	Daniel Namur, NOAA	Beth Versak, MD DNR
Guy DuBeck, NOAA	Brian Neilan, NJ DEP	Craig Weedon, MD DNR
William Dunn	Derek Orner, NOAA	Meredith Whitten, NC DENR
Matt Gates, CT DEEP	Lucas Pensinger, NC DENR	Greg Wojcik, CT DEEP
Pat Geer, VMRC	Nicole Peyrafitte	Phil Zalesak
Carrie Kennedy, MD DNR	Jill Ramsey, VMRC	Erik Zlockovitz, MD DNR
Adam Kenyon, VMRC	Jeff Renchen, FL FWC	Renee Zobel, NH FGD
John Kravchak	Jason Rock, NC DENR	
Meghan Lapp, SeaFreeze	Brandi Salmon, NC DMF	

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in The Monmouth I Room in The Ocean Place Resort, a hybrid meeting, in-person and via webinar; Wednesday, November 9, 2022, and was called to order at 11:20 a.m. by Chair Mel Bell.

### **CALL TO ORDER**

CHAIR MEL BELL: All right, this looks like a quorum to us, so we're going to go ahead and get started here. Welcome to the Coastal Sharks Management Board. I'm Mel Bell; the Chair. We have a fairly brief agenda; we've got a couple of action items we're going to have to deal with. We'll go ahead and get started. The only thing standing between your lunch right now.

### **APPROVAL OF AGENDA**

CHAIR BELL: The first thing would be approval of the agenda. Are there any modifications to the agenda? John Clark, did you? Okay, got you down for something, okay, one item there. Any other modifications to the agenda? All right, seeing no other modifications we'll adopt the agenda as modified with one item under Other Business.

### **APPROVAL OF PROCEEDINGS**

CHAIR BELL: Okay, approval of the proceedings of the May 2022 meeting. Any edits to the minutes from May, 2022? I don't see any hands, so the minute will stand approved then.

### **PUBLIC COMMENT**

CHAIR BELL: Okay, it takes us to Public Comment. This would be public comment or anything not on the agenda. Do we have any public comment?

I see no hands. Do you guys have any hands virtually? No, okay. No public comment.

### **SET SPECIFICATIONS FOR THE 2023 FISHERY**

CHAIR BELL: All right that takes us to our first actual item, which would be to set the 2023 specifications for the fishery, and I will turn it over to Dustin, and he's going to run us through that.

MR. DUSTIN COLSON LEANING: We've got just a short amount of time and just a few things to get through, so I'll get right into it. We're going to be covering the 2023 Commercial Specifications for Coastal Sharks. This is the same process that we've used in previous years. The proposed rule from the NOAA Fisheries Highly Migratory Species Division was published on September 9, and that was included in the briefing materials.

The Final Rules will be published after this meeting, sometime later this fall. The proposed rule demonstrated that we have pretty much everything status quo. The quotas remain status quo from 2022, and they've been the same for a number of years now. The rule also proposes to open all shark management groups on January 1 of 2023.

The aggregated large coastal sharks, other than sandbar sharks' retention limit also remains status quo at 55 sharks per vessel per trip. Blacknose sharks' retention limit is also status quo at 8 sharks per vessel per trip. Here we have the 2023 quotas themselves. I'll quickly just run through them. For the aggregated large coastal sharks, we have a proposed quota of 372,552 pounds dressed weight. For hammerhead sharks we had 59,736 pounds. For non blacknose small coastal sharks we have 582,333 pounds.

For blacknose sharks we have 37,921 pounds. For smoothhound sharks we have 3,973,902 pounds dressed weight. For the non-sandbar large coastal sharks research group, we have a proposed quota of 110,230 pounds. For sandbar shark research group, we have a quota of 199,943 pounds.

For blue sharks it would be 601,856 pounds. For porbeagle sharks it would be 3,748 pounds, and then lastly pelagic sharks other than porbeagle or blue sharks would be 1,075,856 pounds. It's really

simple here today, we're just considering whether to approve the 2023 coastal shark specifications via an e-mail vote.

After NOAA Fisheries publishes their Final Rule for the 2023 Atlantic Shark Commercial Fishing Season, Caitlin Starks and Toni Kerns will help with that e-mail vote process. If we approve this here today, it runs as we have done so in previous years. I do have a motion prepared for the Board's consideration, if they would like to move forward with that route.

CHAIR BELL: All right, does everybody understand where we are? We just need a simple, if someone would care to make a motion. John Clark.

**MR. JOHN CLARK: Do you want me to read it into the record? Move to approve the 2023 Coastal Shark Specifications via an e-mail vote after NOAA Fisheries Highly Migratory Species Division publishes the Final Rule for the 2023 Atlantic Shark Commercial Fishing Season.**

CHAIR BELL: All right, and Chris Batsavage seconds. Any discussion of the motion? Any objection to the motion? I don't see any, so motion carries. That leads us to our next item, which once again will be Dustin.

**CONSIDER FISHERY MANAGEMENT PLAN  
REVIEW AND STATE COMPLIANCE OF THE  
2020 FISHING YEAR**

MR. COLSON LEANING: After we complete the motion, if we could pull up the Power Point for the FMP Review. All right, another agenda item that will likely go through fairly easily. But we do have the coastal sharks FMP Review of the 2020 fishing year. Now this is a little bit more delayed than we usually do this review.

Typically, this occurs at the spring meeting, however, there was a little bit of a delay not getting it on that agenda, and so we decided to bring it up here the next time the Coastal Sharks Board meets. Just so you are aware though,

due to the data that is used in the FMP Review report that is published through NOAA Fisheries.

They have quite a significant delay, in terms of when that data becomes available. Already, within our standard process, we're typically a year later than most FMP reviews. Here I have listed the sections of the FMP Review Report. But like I said, in the interest of time, and getting you all to lunch, I'm going to only briefly touch on these topics. The Coastal Sharks FMP was implemented in 2009. Here on the screen, I have the five subsequent addenda that modified the fishery management plan. There are no coastal shark monitoring or research requirements, and the Commission also follows the lead of NOAA Fisheries Highly Migratory Species Division on setting quotas and closures, as we just went over. In regard to status of the stocks. There haven't been any changes to status of any of the sharks for the managed shark species.

However, there was one new stock assessment since this issue was taken up last, the Atlantic Blacktip shark stock assessment revealed that the stock is not overfished and not subject to overfishing. Now to cover status of the fishery. The commercial landings of aggregated large coastal shark species in 2020 were 227,783 pounds, roughly a 30 percent increase from 2019 landings.

The commercial landings of small coastal shark species in 2020 were 234,557 pounds, a 28 percent decrease from 2019 landings. The commercial landings of Atlantic pelagic sharks in 2020 were 98,514 pounds, which represents an approximate 6 percent decrease from 2019 landings. Then here on the graphic up on the screen, you can just see trends over time grouped by species management group.

This graphic, displays recreational harvest of sharks in numbers, and as was the case for commercial harvest, generally, recreational harvest decreased for large coastal sharks, small coastal sharks and pelagic sharks in 2020, relative to 2019. Now I'll cover *de minimis* requests. This fishery management plan actually does not establish specific *de minimis* guidelines that would exempt a

state from regulatory requirements contained in this plan.

*De minimis* is determined more on a case-by-case basis. Massachusetts is requesting a continuation of *de minimis* status for the aggregated large coastal and hammerhead species groups, with regard to the possession limit and closure requirement. Massachusetts is also requesting that blacknose sharks be included within the exemption, given the species range and based on the fact that no blacknose sharks are landed in Massachusetts.

The Plan Review Team reviewed the *de minimis* request and recent data, and recommends *de minimis* status be granted to Massachusetts for the aggregated large coastal, hammerhead and blacknose species groups. The PRT also noted that the non-offset circle hook requirements for the recreational fishery have not been implemented yet in New Jersey.

In the compliance report, New Jersey has indicated that their rulemaking process has faced some delays, but implementation is expected by January of 2023. The PRT will just continue to monitor this in their next year of review. Lastly, the Plan Review Team noted that Georgia's recreational regulations allows for the landing of one hammerhead, one shortfin mako, and one other shark, and keep in mind this is for 2020, before the shortfin mako 0 retention limit was implemented.

But that three-shark regulation for recreational retention is in excess of what is allowed under the FMP, which if you remember is one shark per person per vessel, plus one Atlantic Sharpnose and one bonnethead. This issue has been raised with the Georgia Department of Natural Resources, and staff there have indicated that the regulations will be updated accordingly. With that, just a very quick review of the FMP and compliance, and most importantly the PRT comments and recommendations. Aside from the issues that the PRT raised, there were no other major

concerns. I turn it back to you, Mr. Chair, for any questions. Then again, we do have a motion prepared if the Board would like to move ahead with approving state compliance, FMP review and *de minimis* requests.

CHAIR BELL: Thank you for the presentation, Dustin. Any questions regarding anything in there or anything not in there? You all must be hungry. I don't see any hands, so we could cue up the motion. All right, this would be a motion to approve. Nichola.

**MS. NICHOLA MESERVE: I would move to approve the Coastal Sharks FMP Review for the 2020 fishing year, state compliance reports and the *de minimis* request from Massachusetts.**

**CHAIR BELL: Thanks, and Eric Reid seconds. Any discussion of the motion? Any objection to the motion? Seeing none; motion carries.** Thank you.

Those were the two items that we had to cover, and remember, we will get a follow-on e-mail regarding with dealing with the 2022 fishery, so look for that after NOAA does the Final Rule.

#### **OTHER BUSINESS**

CHAIR BELL: John Clark, you had an item you wanted to bring up?

MR. CLARK: I'll make it brief. Far be it for me to stand between anybody and lunch. Many of the Commissioner's know that I sent out an e-mail a couple months ago about bow fishing and rays, and I greatly appreciate the responses I received about that. Part of the bow, it's three parts of course, there is the bow fishing in the lights, which is a state issue.

But the problem that I have right now in Delaware is that we can't manage a species that doesn't have a management plan, at least a two-state management plan. The harvest of rays, as I looked into this, is actually pretty significant in our state, which as you know is a very small state. As I looked

into it and got information from up and down the coast.

I mean it seems mostly from about Delaware south, and I know from the information I got from New Jersey, it's not legal to do this in New Jersey. But it seems like it's going on in every other state. The technology has gotten to the point with the generators and lights that this is now a growing activity.

I was just curious if, rays of course are not sharks, but they are elasmobranchs. I didn't know whether this is where it would fit. One of the comments that keeps coming up from public in Delaware about this issue is that I'll say, we can do something about regulating the lights, but we can't stop them from harvesting as many rays as they want to. I give credit to the guides in Delaware that are doing this.

They are very sure to point out that they are cleaning these fish, they are giving them to their clients that are killing these rays. But they are killing a lot of rays, and I just didn't know whether there was any interest in the Board to start looking into that. I know Maryland has been working on a ray management plan, right, Lynn? I don't know if any other states have given any consideration to that. But I just wanted to put it out there. Thanks.

CHAIR BELL: Thanks, John, appreciate you asking about that. I know we don't manage them either in South Carolina. I can see where some of the gear things, lights and all. Yes, that is something you can deal with. Yours is recreational primarily?

MR. CLARK: Right now, it is recreational, but given that it is a legal gear to be using commercially too, not that anybody is. Given the amount of harvest that can be done. If there really was a market out there, I think there might be something that could develop. Of course, rays are like sharks, the ones that are most common in the inshore waters where we

are, like the cownose and the bullnose rays, and they are slow to reproduce.

You know they typically have one or two pups a year. They are something that can be overharvested, I think, and also some of the concerns about them, in terms of their eating clams and things like that are pretty much overblown, based on diet studies. They are not really a menace to shellfish populations.

CHAIR BELL: Okay, any questions, comments, any thoughts on that from other states at this point? Yes, Jason.

DR. JASON McNAMEE: Just a question for John, Mr. Chair, if you don't mind. John, is it your sense that because of the way the fishery is prosecuted, it's not like it's happening at night. Are the fish not being intercepted, like is it being captured by MRIP, or is it your sense that it's not?

MR. CLARK: I don't believe it really is. Well, there is nighttime. I mean they're actually doing it during the day also, but especially because of the huge elimination you can get from LEDs now with just a small generator on a boat. They can really light a place up, and you know the rays are easy to find at night. But yes, I don't believe it is being picked up.

CHAIR BELL: Yes, I know in our case if it's a charter boat, we would pick that up as a state. But other states might not. Any other questions or thoughts on that? I know they are not sharks, but they are indeed elasmobranchs. Yes, Jason.

DR. McNAMEE: Yes, just wondering what the next step is. I'll offer a suggestion. Perhaps we could let NOAA know about this. You know, I can't remember the name of the branch. I don't know if it would be protected species or a large pelagics branch, but we could let them know that they can investigate it, to see if they have a concern with the number being removed, you know relative to life history characteristics that you mentioned. I don't know what else to do. It's not something that we think is happening in Rhode Island.

CHAIR BELL: Yes, Toni, you want to say something first? Then I'll go to Roy.

MS. TONI KERNS: I could ask Karyl, she's online. NOAA does do assessments of some ray species, so they are managed in some way. I don't know which ones exactly. But in terms of the Commission, if it is the pleasure of this Board to investigate whether or not we want to add X species of rays, then I would think we would need to specify which ones we're looking to do. Then that would be a recommendation to the Policy Board. Typically, we do sort of an investigation of that species, and try to get as much information as we can to present to the Policy Board and determine if it's a species that we want to add to the Commission. We've done this in the past with species like whelk. Most recently Jonah crab and then Jonah crab was added, but we did not whelk. But Karyl does have her hand up, so I can let her speak to which species are or are not managed by NOAA.

CHAIR BELL: Yes, that would be great.

MS. KARYL BREWSTER-GEISZ: Hi, thanks. Skates and rays are not managed by my division, the Highly Migratory Species Management Division. I know there are some skate species managed through the New England and Mid-Atlantic Councils. Some of the skate, like thorny skate and clearnose skate, I will do some research to see if anyone is doing ray management. But I am not aware of that.

CHAIR BELL: Yes, the concern might be a growing fishery or potential for a rapidly growing fishery with not management, and then you're having to come back maybe at some point and deal with it. Roy, I know you had your hand up, and then Bill.

MR. ROY W. MILLER: I was just going to quickly add. A few years ago, there were concerns over expansion of cownose rays' populations, due to excessive removal of some of the large coastal sharks that would otherwise prey on cownose rays. Really, if NOAA Fisheries has any data,

they could share with us on the dynamics of the cownose ray, bullnose ray population, I think that would be very helpful in this, so we know whether these populations are indeed increasing or decreasing, and are they vulnerable to overharvest.

CHAIR BELL: Good point. Bill Hyatt, and then I'll come back.

MR. WILLIAM HYATT: Just a quick question. You know I thought I heard you say before that Delaware doesn't have the authority to manage it as an in-state fisheries issue. I was just wondering why that's the case. I might have missed something.

MR. CLARK: That's the law, Bill. I'm not exactly sure. I think they didn't really trust us. I think it's partly, we're just such a small state that I think the thinking is for tidal fish that they are never just going to be in Delaware. You know therefore, if there is a plan out there, we can manage based on that, but otherwise we're not allowed to set up regulations to limit the harvest.

You know, I just was hoping eventually something simple that could be done. But I know it is adding a species is a big lift, and then get it into compliance and all that. But just thinking of some way that perhaps, you know to put this on the radar of everybody that, you know this is something that we could be seeing more of up and down the coast.

CHAIR BELL: Okay, thanks. Russell then Lynn.

MR. RUSSELL DIZE: Mr. Chairman, in Maryland cownose rays are a menace to the crab industry. They follow the shedding of the crabs in the Chesapeake Bay. They come up the Bay and you can see where they are by where the crabs are shedding and which part. The Maryland part it would start in Crisfield and come right on up the Bay. But we have so many now that they have crabbers use clams and little bags on a trotline, and they go in and they just mash those clams and your bait is gone. Not only that, they cut the grass off in our creeks and our rivers, as they're going through the grass to catch the soft crabs they cut the grass

off, and we don't want that. We want the grass to stay there.

As you can notice, I'm not a big fan of the cownose ray. Now there are so many different rays, this cownose ray, this specific ray that we can find, has any value for food. About 25 years ago when Larry Sims was President of Maryland Waterman's Association, we had a bunch of them caught and their wings cut off and packed, and shipped them overseas to Korea.

We were trying to find a market so that we could catch these. They sent back and tried to send us a bill for dumping them. They couldn't get rid of them. You know different areas different things, but in Maryland, in our part of the Bay in the summer, they come up somewhere around the first of June until September, they are a menace to the crab industry. Thank you, Mr. Chairman.

CHAIR BELL: Thanks for that perspective too. Lynn.

MS. FEGLEY: Just quickly I wanted to say that back in 2015, I think Emilie was the one who spearheaded this. Cownose rays were highly controversial. We did a workshop in Maryland that really assembled pretty much all of the data we could find on this species. There is a report, I would be happy to forward that to you, Toni, for distribution, just to sort of get at this, what do we know? You know what is fact? What is the life cycle what are the vital rates, all those sorts of things we looked at and that is on file with us. I can send that around.

CHAIR BELL: Okay, thanks, Lynn. Roy, do you have another?

MR. MILLER: Very quickly. I was just going to elaborate for Bill Hyatt and others who might be wondering. Back in the middle of 1980s legislation passed giving the Division of Fish and Wildlife regulatory authority over finfish, to the extent they are covered in an interstate fishery management plan.

Prior to that all governance over marine finfish in Delaware was through the legislature. That has not changed since the middle 1980s, and that's why the Division of Fish and Wildlife needs to act in concert with either a neighboring state or an approved fishery management plan, in order to pass regulations on marine finfish.

CHAIR BELL: Thanks, Roy, anything else on rays? Well, you all didn't talk about sharks much, but you talked about rays. John.

MR. CLARK: I just wanted to make clear. I'm not looking that we would eliminate harvest of rays, and Russel, I understand that there is concern about them. But I'm just saying there is concern in Delaware, just because there are guys coming back with 20 rays, and people see that and they're like, what are you doing with all those rays. The guys are very good about saying they clean them and they give them to the customers to eat. But just as you said, I don't know that all that is getting eaten. Let's just put it that way. Thanks.

CHAIR BELL: No that's fine to bring that up too. I mean that's the benefit of having a group like this where we can point out things that are going on and discuss them. Any other discussion of rays? All right that's it for the agenda. Toni.

MS. KERNS: Today is Dustin's last day at the meeting, and I just wanted to, I was going to do this at Policy Board, but he won't be here so I have to embarrass him a little bit now instead. For those of you that didn't see Bob's e-mail, Dustin is taking a new position with the Environmental Defense Fund, and a job that he declared to me once just the perfect next step path for him.

It's always bittersweet when members of the staff leave, but I'm always super excited for the new challenges that they have waiting for them at their next step. I just want to thank Dustin for all of the work that he has done with the Commission. He walked in day one with so much energy, and such an inquisitive mind on how the Commission works and our process, and really stepped in to get into the details, which was particularly helpful in

summer flounder and bluefish and exploring analyses, and working with the Technical Committees.

Then on the other hand just really trying to make sure that the products that we put out are accessible to our stakeholders and working back and forth with them, to make sure that what we were presenting for the Harvest Control Rule was something that folks could understand, which was not an easy task. I just want to say thank you and good luck in your new role.

CHAIR BELL: Thank you, Dustin. (Applause) You've been great for support and I love, yes young energy. That's what we need, so congratulations and good luck. If you have anything you would like to say, go right ahead.

MR. COLSON LEANING: Yes, thank you, and thanks for going easy on me today. We got such a free coasting last meeting, not always reminiscent of summer flounder. I do appreciate just being able to meet with you all at one point or another over the course of the last three days. It's been great to say goodbye in person.

Because it really has been such a pleasure working with you all. I hope this isn't goodbye and farewell, I hope this is just me moving into a new position, where I get to continue to work with you all on just making sure that we have sustainable fisheries, not only in the U.S. but abroad as well, so I am excited for the new chapter. Thanks everyone.

#### **ADJOURNMENT**

CHAIR BELL: Thank you. All right, having no other business to come before the Coastal Shark Board, we will adjourn. Lunch and then back here for some fun with menhaden, right? Eat a good lunch.

(Whereupon the meeting adjourned at 11:50 a.m. on Wednesday, November 9, 2022)