

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

**The Harborside Hotel
Bar Harbor, Maine
October 24, 2016**

Approved May 2017

TABLE OF CONTENTS

Call to Order, Chairman Adam Nowalsky.....	1
Approval of Agenda.....	1
Approval of Proceedings, August 2016.....	1
Public Comment.....	1
Updates from NOAA Fisheries HMS Division.....	1
Review Proposed Rule for HMS Amendment 5b (Dusky Sharks) and 2016 Stock Assessment Results.....	1
Presentation on the Draft Environmental Assessment for Amendment 10.....	5
Proposed Rule for Blacknose Possession Limits.....	8
Presentation of the Proposed Rule for the 2017 Atlantic Shark Commercial Fishing Season.....	9
Review and Populate Advisory Panel Membership.....	10
Adjournment.....	11

INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of August 2016 by consent** (Page 1).
3. **Move to approve the 2017 coastal sharks specifications via an email vote after NOAA Fisheries publishes the final rule for the 2017 Atlantic Shark Commercial Fishing season** (Page 10). Motion by Tom Baum; second by Rob O'Reilly. Motion carried (Page 10).
4. **Move to approve Roger Wooleyhan Jr. and Charles Witek as members of the Coastal Sharks Advisory Panel** (Page 11). Motion by Michael Luisi; second by Steve Heins. Motion carries without objection (Page 11).
5. **Motion to adjourn** by consent (Page 11).

ATTENDANCE

Board Members

Rep. Sarah Peake, MA (LA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Pierce, MA (AA)	Rachel Dean, MD (GA)
Bill Adler, MA (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
David Borden, RI (GA)	Kyle Schick, VA, proxy for Sen. Stuart (LA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Cathy Davenport, VA (GA)
Jason McNamee, RI, proxy for J. Coit (AA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Colleen Giannini, CT, proxy for D. Simpson (AA)	Doug Brady, NC (GA)
Lance Stewart, CT (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Steve Heins, NY, proxy for J. Gilmore (AA)	Robert Boyles, Jr., SC (AA)
Tom Fote, NJ (GA)	Malcolm Rhodes, SC (GA)
Adam Nowalsky, NJ, proxy for Asm. Andrzejczak (LA)	Pat Geer, GA, proxy for Rep. Nimmer (LA)
T. Baum, NJ, proxy for D. Chanda (AA)	Spud Woodward, GA (AA)
Craig Pugh, DE, proxy for Rep. Carson (LA)	James Estes, FL, proxy for J. McCawley (AA)
John Clark, DE, proxy for D. Saveikis (AA)	Wilson Laney, USFWS
Roy Miller, DE (GA)	Margo Schultz-Haugen, NMFS
Ed O'Brien, MD, proxy for Del. Stein (LA)	Karyl Brewster-Geisz, NOAA

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Ashton Harp
Amy Hirrlinger

Guests

The Coastal Sharks Management Board of the Atlantic States Marine Fisheries Commission convened in the Statesbury Grand Ballroom of the Bar Harbor Club, Harborside Hotel, Bar Harbor, Maine, October 24, 2016, and was called to order at 2:01 o'clock p.m. by Chairman Adam Nowalsky.

CALL TO ORDER

CHAIRMAN ADAM NOWALSKY: Let me call to order this meeting of the Coastal Sharks Management Board. I am Adam Nowalsky; and I am joined by FMP Coordinator Ashton Harp.

APPROVAL OF AGENDA

CHAIRMAN NOWALSKY: Our first order of business today will be to approve the agenda. Please note that there is an additional agenda item.

Agenda Item Number 6, which is on the written agendas that are available here in the room, but is different from the meeting materials; To Review and Populate an Advisory Panel membership. Actually, there were two applications that we received after the meeting materials. That will be the new Item 6. Again, it is on the printed agenda here in the room.

Is there any objection to approving the agenda as provided? Seeing none; that stands approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN NOWALSKY: Our next order of business will be to approve the proceedings from the August, 2016 meeting. Is there any objection to approving those proceedings as provided? Seeing none; they stand approved.

PUBLIC COMMENT

CHAIRMAN NOWALSKY: Our next order of business will be public comment for any item not on the agenda. Is there any public comment from the audience? Seeing none; we'll keep moving on.

UPDATES FROM NOAA FISHERIES HMS DIVISION

CHAIRMAN NOWALSKY: Our next order of business is to receive update from NOAA Fisheries HMS Division. There are four bullet points here that are going to help inform us for our setting of the 2017 fisheries specifications.

We'll go through each of the presentations. We'll stop at the end of each presentation for questions before we move forward. None of the presentations, as they're presented here, until we get on to the next agenda item, will require any management action by the board; until we get to the specifications.

With that, we'll turn to the presentation. All of these presentation materials are also found in your meeting materials. The first item Amendment 5b on Dusky Sharks is in the supplemental materials and information for the other three presentations were in the original meeting materials.

REVIEW PROPOSED RULE FOR HMS AMENDMENT 5B (DUSKY SHARKS) AND 2016 STOCK ASSESSMENT RESULTS

MS. KARYL BREWSTER-GEISZ: Hello, everyone. For those of you who don't know me, my name is Karyl Brewster-Geisz; I work for the Highly Migratory Species Management Division of NOAA Fisheries. I will be giving you four presentations. This first one on Amendment 5b for Dusky Sharks will take the longest amount of time. The other ones will be fairly short.

For those of you have been waiting, we finally have the proposed rule out, an amendment on dusky sharks. I'm just going to jump into it. We've been working to manage dusky sharks appropriately for a long time. In 2000, we made them a prohibited shark species, which means that no one can fish for or retain or land this species. We've had a couple of assessments since then that indicated the stock is overfished with overfishing occurring.

Back in last October, so a year ago, Oceana did submit a lawsuit suing us for not taking management action fast enough. Last May we did settle with them. The settlement agreement included a timeline. It did not require us to take any particular action, but it did require that we issue the proposed rule by October 14th, which we made that deadline.

The final rule we need to submit to the Federal Register by March 31st of next year. We have a new stock assessment that once again indicates the stock is still overfished with overfishing occurring. I am here today to talk to you about the proposed rule. A little bit about the stock assessment. We just published the results on October 5th.

This chart shows the phase plot. As you can see, there are a lot of dots there. The green colored dots are the ones from the most recent assessment. As you can see, it is still overfished/overfishing corner, but they are much closer to the line than previous assessments. It indicates that we need to reduce fishing mortality by 35 percent in order to rebuild the stock by the year 2107.

This slide has a lot of words. These are our preferred alternatives. Again, all of these alternatives are designed to reduce fishing mortality by 35 percent. For recreational, we have two preferred alternatives. The first one, Alternative A2, would require that permit holders fishing recreationally for sharks obtain a shark endorsement.

This alternative would also require a lot of outreach on our part, and it is something that we would look to all of you and your states to help us with the outreach; particularly, with state water fishermen, on how to help them identify sharks; particularly ridgeback sharks such as duskies, and also how to release them to minimize mortality.

We also have Alternative A6a, and this would require the use of circle hooks in the recreational shark fishery. We are defining that

as using natural baits and wire or heavy monofilament fluorocarbon leaders. By heavy, we mean greater than 200 pound test. This is an alternative that we are looking specifically for comments on.

We have a couple of other alternatives that are similar to this that look at hook size or look at tournaments. These two alternatives would be required for all people fishing recreationally for sharks. In federal waters, that means anybody with an HMS angling permit, HMS charter headboat permit, or either the general category tuna or general category swordfish permits fishing in a tournament; would need to have the shark endorsement and would need to use circle hooks.

Commercially we have four alternatives, all in the similar vein of trying to reduce fishing mortality overall. Alternative B3 is requiring the limited access permit holders, the pelagic longline fishermen, to if they are releasing sharks, release sharks either with a dehooker or with a maximum of three feet line from the hook. Again, this is trying to reduce the amount of gear left on the shark to increase the shark's survivability. Alternative B5 is requirement for the pelagic bottom longline fishermen and gill netters to attend an extra module in the workshops they already need to attend. The workshops are safe handling and release of sea turtles and marine mammals. This would add another module on safe handling and release of sharks. Alternative B6 is increasing dusky shark outreach. This would be outreach to the commercial fishery.

Once again, we would definitely be looking to you and all of your states to help with this, and also implementing a dusky shark communication and relocation protocol for pelagic longliners. If they catch a dusky, they would need to let people in the area know that there are dusky sharks in the water, to watch out for them; and then also to move one nautical mile from their last set.

All of these alternatives, these first three alternatives are very similar to what we have in place right now for sea turtles and marine mammals. The last commercial alternative we prefer is Alternative B9, and this would require the use of circle hooks by bottom longline fishermen. Right now, those fishermen use a combination of J and circle hooks, so we would require that they just use circle hooks.

Again, these are our preferred alternatives. We believe that the use of all these alternatives will reduce fishing mortality by at least 35 percent, possibly more. We also looked at a number of other alternatives. These are the other alternatives we looked at for recreational. The ones I want to really point your attention to would be Alternative A6b and A6c; these are the other alternatives regarding circle hooks in the recreational fishery.

These are the other alternatives we looked at commercially. We looked at quite a large range. The last thing we looked at for implementation in this amendment is to clarify annual catch limits for all prohibited species, including dusky sharks. We are clarifying that our annual catch limit or ACL will be 0 for all the species that are listed.

This is allowable under Magnuson, as long as the small levels of bycatch do not lead to overfishing. Obviously, with dusky sharks we still have overfishing, so our accountability measures for dusky sharks are actually the preferred alternatives within Amendment 5b. We don't believe any other accountability measures or AMs are needed for dusky sharks or the other prohibited shark species.

We are asking for comments on the entire document, but specifically on these bullet points up here, including the ACL and AM approach. Alternative A2, which is the shark endorsement, so what is the best way to implement those in terms of affective date? Should it be right when the final rule publishes; should we wait for the beginning of the next fishing year?

We're also looking specifically for comments on Alternative A6a and A6b; those are the circle hook requirements for recreational fishing. We really want to find the best definition for recreational shark fishing; so we are not impacting other recreational fisheries such as swordfish or cobia or spiny dogfish even. We want to impact only our shark fishermen. The comment period for Amendment 5b closes on December 22. This is how you submit the comments, and there are a lot of public hearings and webinars coming up. That's it.

CHAIRMAN NOWALSKY: Before we go to questions, let me turn briefly to Ashton.

MS. ASHTON HARP: I would encourage states to submit public comments by the December 22 date. I also have a question for Karyl. You had multiple other recreational alternatives that were not part of the preferred, should states not comment on those since they are not the preferred ones or should they still comment on them if they feel that they would not like to have those in their state waters?

MS. BREWSTER-GEISZ: We want comments on all the alternatives, so if you and your state prefer an alternative that we considered but did not prefer, we would love to hear that as well.

CHAIRMAN NOWALSKY: I will just comment that for anyone not familiar, this is a 100-year rebuilding plan, so those dates in here, 2107, 2108; those are the dates we were looking at. I saw a couple heads perk up with those initially. Let me then turn to board for questions regarding the presentation; Bill Adler first.

MR. WILLIAM A. ADLER: I noticed in the chart, you had the sand tiger shark. Is that in that amendment, as well?

MS. BREWSTER-GEISZ: Sand tiger is one of our prohibited shark species, so that is one of the ones where we are clarifying the ACL is equal to 0 for.

MR. ADLER: Okay, if I may. Because I noticed the chart here, and it has in Massachusetts, the inshore section of Massachusetts, and also south of the Cape. What is the intention as to the sand tiger shark in this? Is it going to affect the fishermen in that area?

MS. BREWSTER-GEISZ: There is nothing in Amendment 5b that would affect fishermen with sand tiger sharks. Sand tiger sharks are a prohibited species, so no one can retain them.

MR. ADLER: Okay, but you're not planning to come in and say well, because you might catch a sand tiger shark you can't fish here?

MS. BREWSTER-GEISZ: No. There is nothing in this for that. I am wondering if you're talking about Amendment 10, where we are proposing some updates to essential fish habitat for sand tiger.

MR. ADLER: Well, the chart I'm looking at here is Alternative 6b continued, and I just noticed that they have a section in Massachusetts where they've got it sort of filled in. I was curious whether or not any further action for those actions was going to come when one of these amendments got through.

MS. BREWSTER-GEISZ: That is the alternative for Amendment 10, and Amendment 10 is just establishing essential fish habitat; it does not have any regulations or impact on any fisherman.

MR. ADLER: Thank you.

CHAIRMAN NOWALSKY: We'll get to that in a couple moments; any further questions on Amendment 5b? Toni.

MS. TONI KERNS: I don't have a question for Karyl, but since I didn't see any more commissioners with questions, sometimes the board would like us, as the commission, to write in comments on behalf of the board; other times we do not, because of the diversity of the interest of the states on coastal sharks. Is this

something that the board would like the commission to submit comments on? Just because you just saw it today, are you unsure? We would need some direction if you did want us to submit comments.

CHAIRMAN NOWALSKY: Let me turn to Ashton and she can provide some guidance, perhaps, on her suggestion for the individual states submitting comments, as opposed to a board specific comment. Ashton, did you have anything to offer the board for moving in that direction versus a board-specific comment?

MS. HARP: Just looking at the options, the preferred alternatives are available. It seems like states generally do handle the shark public comments individually, but there is nothing to say that we could not apply these as a group letter. Some of these apply to the pelagic longline, which does not apply in state waters, so we would not comment on those alternatives. But some of the recreational measures, such as requiring a shark endorsement, we could, as a group, say whether we like that or do not like that. It is up to the board.

CHAIRMAN NOWALSKY: Toni, would you need a specific action by the board here today, or if the individual states put their comments together and wanted to submit them individually, they could; but could also run them all by Ashton, and if she felt there was a common theme could draw up a letter that we could pass along? What action would you need there today?

MS. KERNS: If the board would like us to submit some version of the comments, and we don't have to have the specific recommendations right now; but we would need to get recommendations from board members. We would just need to know that today so that we can make that recommendation to the Policy Board for the Policy Board to approve sending comments in.

Then we can work with the states and you to draft that letter, and then send it back out to the board before we submitted it to NOAA by the December 22nd deadline. We have a lot of time to do that. But if we did want to send a group letter, we would have to run it by the Policy Board.

CHAIRMAN NOWALSKY: Let me turn to the board and get some specific feedback on that option right now. Is the preference to allow states to individually submit their comments, or would the board like to have this board recommend the Policy Board send in comments that would be compiled; understanding that that would not prohibit any state from submitting comments on their own, as well. Can I get any comments on that? Rob O' Reilly.

MR. ROB O'REILLY: I prefer Option 2 there. I know in the past we've talked about for other measures for sharks about how to proceed, and at the last minute some of the states have done something; so if they can still do that, it would be good to have something come from the Policy Board.

CHAIRMAN NOWALSKY: Not seeing an overwhelming interest in further discussing it, let me ask if there is any objection to having those comments compiled by Ashton. The individual states could send them in to staff and then that letter could be drafted and then the Policy Board would take action; so we would want to make that recommendation to them at this meeting. Do you need a formal motion, Toni, or is that sufficient to move that forward to the Policy Board?

MS. KERNS: If there is no objection, then that is sufficient.

CHAIRMAN NOWALSKY: Is there any objection? Okay, seeing none; that's how we'll proceed with recommending to the Policy Board to submit comments. What type of timeline, Toni, would you want those comments from individual states to make sure we can meet the December 22nd public comment date?

MS. KERNS: With the holidays thrown in there, it would be great if we could get everybody's comments no later than November 15th.

CHAIRMAN NOWALSKY: Okay, so staff would be looking for those comments by November 15th.

PRESENTATION ON THE DRAFT ENVIRONMENTAL ASSESSMENT FOR AMENDMENT 10

CHAIRMAN NOWALSKY: Okay, next let's move on to the presentation on the Draft Environmental Assessment for Amendment 10. We'll turn back to Karyl for a presentation.

MS. BREWSTER-GEISZ: This is in regard to Draft Amendment 10, which is our EFH or essential fish habitat update. Magnuson identifies EFH as those waters and substrate necessary to fish for spawning, breeding, feeding or growth to maturity. The EFH is for federally managed species only. It can occur in state waters, but it cannot occur in international waters.

We have designated and updated EFH several times in the past. Last year we issued a five-year review going through all the updated data, and determined we did need to update EFH. That is what we're doing now in Amendment 10. The purpose of Amendment 10 is to update essential fish habitat with recent information, and also to minimize to the extent practicable the adverse effects of fishing and non-fishing activities on EFH.

What I am presenting here is a very simplified version. It has only the alternatives that deal with the Atlantic; so if you are interested in any of the Gulf EFH alternatives, you would need to either ask me or Margo after this meeting, or watch one of our webinars or go to the public hearings.

We looked at two alternatives. One was not updating EFH and the other was updating EFH with updated data. We used the same alternative and the same methodology we had

used in the past, which is based on kernel density estimation; and that's what the pictures along the bottom show. We also looked at a number of habitat areas of particular concern, or HAPCs of EFH.

The HAPCs are a subset of EFH; they are meant to be rare, and to outline particularly susceptible to human induced degradation or has particular ecological importance to a federally managed stock. In terms of the HAPCs, there is Alternative 4b where we update the sandbar HAPC. The map on the left shows what the current HAPCs are for sandbar, and the map on the right is what we are proposing.

It is hard to see on the slides, but the hashed portion within Chesapeake Bay and Delaware Bay, for example, are the proposed HAPCs. What we are proposing is to make sure that the EFH and the HAPC for sandbar overlap, they didn't before; and also some changes to the HAPC. For example, Delaware Bay in its entirety would be a HAPC for sandbar shark, as opposed to just farther out. Also, we cut off some of the inshore portions of the Outer Banks, so just the offshore portion would be the HAPC. We are also proposing to create a new HAPC for lemon sharks off of Florida. That, again, is the hashed area off the east side of Florida; and this encompasses a juvenile aggregation site off of Cape Canaveral, and an adult aggregation site off of Jupiter.

We also looked at a couple of other alternatives, which would keep those two HAPCs separate. Alternative 6b is a new HAPC for sand tiger shark. This particular one is in the Delaware Bay, and then as Mr. Adler pointed out, there is also a proposal for a HAPC for sand tiger sharks in Massachusetts.

One of the things we wanted to make sure to note is that EFH and HAPCs are not time-area closures. There is no implementing regulations within this, this is just updating essential fish habitat for all of our species, and proposing HAPCs for some of our species. As I mentioned before, there are webinars and public hearings

that you can go to, to find out more information. The comment period also ends on December 22nd, so you just need to remember one date for all of HMS.

CHAIRMAN NOWALSKY: Any questions on the presentation? Dave Pierce.

DR. DAVID PIERCE: Yes, Karyl, it has been a while since I focused on HAPCs regarding any species. Right now with the New England Council, when we talk about HAPCs, we always give the notice to stakeholders that potentially down the road something may be proposed that would involve more specific restrictions.

HAPCs for these sharks have been in place for a while, as you've noted. But now there are some new ones being proposed. My question is, with new ones being proposed, does that suggest that you and your shop will now begin to think about what else needs to be done within the HAPCs above and beyond what may be there now?

MS. BREWSTER-GEISZ: The proposed HAPCs would allow us to be consulted if there are new things going on in those areas. They are based on updated data that has come from the scientists, including scientists in the state of Massachusetts. They would not necessarily result in closures or impacts to anyone. But if somebody wanted to do something in those areas, like put up windmills or oil, they would need to consult with us.

DR. PIERCE: If I could just follow up with that.

CHAIRMAN NOWALSKY: Please do.

DR. PIERCE: In the Kingston, Plymouth, Duxbury Bay area, where there are many tigers and we've done a lot of research there, we know it's an important nursery ground. Are you saying that with this HAPC designation, either the Commonwealth or the towns, because the town waters, would have to consult if anything was going to be proposed for any operation within

the area, for example, some aquaculture operation?

MS. BREWSTER-GEISZ: That is my understanding, and I'm looking to Margo in case I'm wrong.

MS. MARGO SCHULZE-HAUGEN: It is for all federal activities, and so I think states activities would not necessarily be encompassed, but all federal actions; so Corps of Engineer, other fishery management or whatever, would come under that need to consult with us. Then we would give recommendations for changes to the activity that could reduce any impacts; assuming there were some, and those are not binding, they are recommendations.

MR. ADLER: Back to my Massachusetts blobs here. Nantucket Sound, you seem to have that whole place blocked off for the sharks. I'm just wondering that since we do have a trawl fishery in that. I'm not so worried about trap fisheries getting sharks in trouble or whatever. However, we have an active trawl fishery in that area for fluke and for squid and whatever.

I'm just worried that if this goes through, that the next step will be, wait a minute, we've got an essential fish habitat for the species, and you guys can take those things by – you wouldn't mean to – but you could take them, so we're going to have to kick you out. I mean, that is what I worry about.

CHAIRMAN NOWALSKY: Bill, I certainly think that that would be a suitable comment to rise. Again, the proposal is not implementing any restrictions on those fishing activities. I don't think Karyl is going to sit here and say; yes the next step is -- because it is not there right now. But those concerns would be something to pass along as certainly very valid.

MR. ADLER: If I may. Now you say comment period ends December 22nd. Have you already had public hearings on this?

MS. BREWSTER-GEISZ: Yes, there has already been several, and consultations with some of the councils.

CHAIRMAN NOWALSKY: Are there any questions from the public on this item? Bringing it back to the board again, we're in the same situation with would the board like to have the Policy Board write a letter? Do the states expect to submit comments on this matter; that they would want that recommendation moved forward to the Policy Board like we did on the last item?

I would entertain any comments on that. I am not seeing any hands go up, so that would indicate to me that there is no intention for states to submit comments on a state basis; which wouldn't need our Policy Board to submit anything on behalf of the states. All right, I've got one hand up.

MR. W. DOUGLAS BRADY: Yes, I'm just going back to Bill Adler's question, in terms of exactly what type of impacts these expanded areas will have on different activities. There seems to be not a lot of clarity there. Am I missing something? Again, when you went to public comment on this and expansion of these areas, what was the notation on the various activities that might be impacted by the expansion of these areas?

CHAIRMAN NOWALSKY: Doug, I can only go by what has been presented to date, and that is that this draft amendment does not implement any additional restrictions on fishing and non-fishing activities. What happens in the future, I don't think any of us could sit here and say for sure what happens moving forward. All we can say is that this amendment itself does not contemplate any further restrictions.

MR. BRADY: Where would I find the impacts of these areas on the existing HAPCs? In other words, if you're expanding it, I assume their activities are impacted in the ones that already exist now, correct?

MS. BREWSTER-GEISZ: None of the existing EFH or HAPCs has regulations or restrictions. They are outlining areas that are important for the fish. There are other management measures we've put in place around some of them. For example, we have an area off of North Carolina that is closed because of sandbar, and that encompasses and includes area outside of sandbar HAPC area. But it is not a restriction caused by the HAPC. There are no restrictions caused by the current EFH or the current HAPCs.

CHAIRMAN NOWALSKY: All right Doug, if you could turn that microphone off, I would appreciate it. Margo, I saw your hands up. Did you have something to add, as well?

MS. SCHULZE-HAUGEN: I was just going to add again that the consultations are for activities that affect the habitat. They are separate from management actions, either due to bycatch or overfishing status. What this will do is require a consultation by other Feds to determine whether activities are doing would affect the habitat. Most HMS the habitat is salinity and temperature and things in the water column, and most fishing gear doesn't affect any of those.

There is some shark fishing gear, bottom longline gear in particular, that has had some impacts, and we have some closures that the Caribbean Council implemented and asked us to backstop, because of impacts on coral from the gear itself. It is very different from management measures based on stock status. This is more the habitat itself, and what activities could be impacting that. Again, it results in the consultation with recommendations if there is impact to reduce it, so just a little more clarification maybe. I can talk to anyone offline too, if they want more questions.

CHAIRMAN NOWALSKY: That brings us back to the issue of public comment on the matter, and I did not see any hands go up indicating that the states want the policy board to submit a

combined letter on their behalf. Again, that would not prohibit individual states from sending their own comments.

PROPOSED RULE FOR BLACKNOSE POSSESSION LIMITS

CHAIRMAN NOWALSKY: Seeing no further hands, we'll move on to the next bullet item; Proposed Rule for Blacknose Possession Limits. Turn back to Karyl again.

MS. BREWSTER-GEISZ: As a little bit of background, this has a lot of words, but I won't spend a lot of time on it. For black nosed sharks we have two stocks; one in the Atlantic, one in the Gulf of Mexico. The one in the Atlantic is overfished with overfishing occurring. We have taken a number of actions, both in Amendment 5a, and more recently in Amendment 6, to restrict some of the quotas for blacknose, and also for non blacknose small coastal sharks.

Those quotas are linked, which means when blacknose closes the non blacknose small coastal shark quota closes, as well. Right now, the only place you are allowed to fish for blacknose sharks is south of 34 degrees north latitude, and only when the season is open. Below the red line you can fish for blacknose sharks.

Once blacknose is closed, you cannot fish for any small coastal sharks. North of the line you are allowed to fish for non blacknose small coastals, but you cannot retain any blacknose sharks. In the past few years we have had a few fishermen south of that red line who have begun targeting blacknose sharks, and this has resulted in a much shorter season for all small coastal sharks. We have closed all small coastals in September, 2013, July, 2014, June, 2015, and May, 2016. This is a result of fishermen going out and targeting blacknose sharks. As a result of this, the non blacknose small coastal quota has been under-utilized the past few years, while the blacknose shark quota has been exceeded a number of times.

We have had requests from fishermen and the South Atlantic Council to do something to fix this problem. We looked at three alternatives, one of which is status quo; do nothing, keep letting things go as they go. Another one, Alternative 2, was looking at establishing a non blacknose small coastal shark retention limit once the blacknose quota has been filled and that fishery is closed.

This would continue to allow non blacknose small coastals to be landed once the fishery has been closed. We looked at three subalternatives within that; 50 to 250 non blacknose sharks per trip. As part of that we would also be reducing the blacknose quota respectively to account for any of the dead discards that would continue to happen; if people were allowed to fish for non blacknose small coastals. That was Alternative 2.

We also looked at Alternative 3, which would be to establish a retention limit for blacknose sharks. We looked at three subalternatives here ranging from 50 to 8 blacknose sharks per trip. We preferred the alternative for 8 blacknose sharks per trip. This table shows some of the calculations on what would happen if we went down to 8 blacknose sharks per trip. Basically, we would allow a number of trips per year.

We are fairly confident we would be able to keep the entire fishery so blacknose and non blacknose small coastal sharks south of 34 degrees open the entire year, with a retention limit of 8. We had this proposed rule open in August and part of September. Most of the comments we received were in support of the 8 blacknose sharks.

Some fishermen wanted us to go even lower; they were not convinced that 8 would allow them to remain open year round. Other fishermen wanted us to be able to adjust that retention limit up and down, just like we do with large coastals. The comment period is currently closed. We are looking to have a final rule in effect for the start of the 2017 fishing

season. Once that happens, it would be something that we might ask this board to implement complementary regulations. That's it. Thank you.

CHAIRMAN NOWALSKY: As Karyl indicated, for this proposed rule, a comment period has ended; so we're not looking for additional public comment on it. But are there any questions on the blacknose rule for Karyl?

PRESENTATION OF THE PROPOSED RULE FOR THE 2017 ATLANTIC SHARK COMMERCIAL FISHING SEASON

CHAIRMAN NOWALSKY: Okay, seeing none; we'll move on to the Presentation of the Proposed Rule for the 2017 Atlantic Shark Commercial Fishing Season, which will then move us on to setting specifications here, ourselves. Karyl.

MS. BREWSTER-GEISZ: The last presentation, this one is the fastest one. This is regarding our proposed rule for shark specifications. It published in August; the comment period ended at the end of September. Once again, we're not looking for comments. For the most part we proposed exactly the same as what we have in place currently. The changes here were, we proposed increasing the Atlantic smoothhound or smooth dogfish fishery based on the under harvest in this current year, and we also proposed not changing the blacknose shark quota as a result of those overharvests, and that is because this year we closed early enough that the underharvest from this year covered the large overharvest that had happened in the past. We proposed opening all shark management groups on January 1st, proposed starting in the Atlantic with a retention limit of 36 large coastal sharks other than sandbar per vessel per trip for directed permit holders.

Then we would change this limit between 0 and 55, depending upon what we found. This past year we increased it to 45, right around July 15, so we would expect the same type of increase next year. Currently, we have just reduced the

retention limit down to 25. We are trying to keep the fishery open the rest of the year. We are hopeful that the reduction to 25 sharks will do that.

Here is a table with really small print, but hopefully, if you're looking at your computer you can read it. This is just the proposal in its entirety. The other thing you should know is after our final rule last year we received a petition from a number of people, mostly scuba divers or environmentalists, who wanted us to delay the opening of the fishery in the Atlantic because of a lemon shark aggregation site off of Florida.

We reviewed those comments, decided to deny the request last year, because it provided no new or additional information, and did not present recent unforeseen events, recently discovered circumstances, or serious conservation or management problems in the fishery. We gave a presentation on the stock status of lemon sharks last March at our Advisory Panel meeting. We considered all of those comments again in this proposed rule and decided not to delay it. We proposed again January 1st.

We didn't receive any comments this year on lemon sharks. We have received some comments regarding the retention limits; some people in support of the 36, other people wanting a reduced trip limit in the beginning of the year to make sure that they have additional opportunities later in the year, and then some comments indicating that we should delay the Atlantic until the Gulf is closed, just to make sure that the market prices remain high. That's it on the presentation.

CHAIRMAN NOWALSKY: In the past year, with the goal of the board setting complimentary measures, we have the issue that the final rule itself has not been published. Last year we took an action that basically put the vote off to an electronic vote, an e-mail vote by board members; once that final rule was out. That is how we proceeded last year. With that said, are there any questions about the rule right

now, before we turn towards a motion for moving forward? Okay seeing non hands, I will entertain a motion on how to move forward. Tom Baum.

MR. TOM BAUM: Just similar to last year, **I do have a motion to move to approve the 2017 Coastal Shark Specifications via an e-mail vote after NOAA Fisheries publishes the final rule for the 2017 Atlantic shark commercial fishing season.**

CHAIRMAN NOWALSKY: Motion by Mr. Baum. I have a second from Mr. O'Reilly. Thank you for having that ready, thank you for staff having that ready. Is there any discussion on the motion? Is there any public comment on the motion? Now, Toni, just to clarify, since this is a final action; which we typically do roll call votes, but we're not taking the actual final action here today, and you'll be getting those via e-mail. That would essentially give you the roll moving forward, correct?

MS. KERNS: Correct.

CHAIRMAN NOWALSKY: I was going to give you the thumbs up back. We got both, thumbs up and a correct verbal. **All right, is there any objection to the motion? Okay, seeing none; the motion stands approved.** Thank you very much.

REVIEW AND POPULATE ADVISORY PANEL MEMBERSHIP

CHAIRMAN NOWALSKY: Next order of business, we'll turn to Tina Berger for applications for the advisory panel.

MS. TINA BERGER: I offer two advisory panel nominations for the board's consideration and approval, Roger Wooleyhan, Jr. a Maryland commercial fisherman, and Charles Witek, a New York recreational fisherman for nomination to the Coastal Sharks. In your materials you have Mr. Wooleyhan's nomination. We received Mr. Witek's late last week, and it has not been included. But we can forward it to you for further information, or I

could ask Mr. Heins to add anything that he feels needs to be added.

CHAIRMAN NOWALSKY: Let me ask Tina how we traditionally dealt with requests that we don't have the formal request and materials here at the meeting.

MS. BERGER: In the past, if there is no objection and the state is comfortable with that nomination, I would share, upon your approval, that nomination form to the board just as a follow up.

CHAIRMAN NOWALSKY: Steve, so you have anything you would like to add on that matter?

MR. STEPHEN HEINS: Just that the state supports the nomination of Charles Witek. He is an avid recreational fisherman. He is a part time outdoor writer. He is a member of our Marine Resource Advisory Council for the state. He is a former member of the Mid-Atlantic Council, served a term on the Mid-Atlantic. We think he's a strong candidate.

CHAIRMAN NOWALSKY: I'll turn to the board for a motion on one or both or none of the nominations that have been put forth. Mike Luisi.

MR. MICHAEL LUISI: **I move to approve Roger Wooleyhan, Jr. and Charles Witek as members of the Coastal Shark Advisory Panel.**

CHAIRMAN NOWALSKY: Seconded by Steve Heins. **Discussion on the motion, any objection to the motion, seeing none; the motion stands approved.** Is there any other business to come before the board? I've got a hand up, Rob.

MR. O'REILLY: I just wanted to thank Karyl and NMFS Staff for coming forward with the variable trip limit that they have for the large coastal sharks. I know that in the past, it is a lot better than being shut out, because of the way seasons go. I really appreciate their efforts, thank you.

CHAIRMAN NOWALSKY: I'll just take a moment to thank Ashton, staff and Karyl, as well. Roy Miller will be taking over this board at the next board meeting. I'll also state that it's now on the Striped Bass Board to get done in time to get everybody on the boat.

ADJOURNMENT

Having completed all of the items on the agenda; we stand adjourned. Thank you all very much.

(Whereupon the meeting adjourned at 2:50 o'clock p.m. on October 24, 2016.)