

# Atlantic States Marine Fisheries Commission

## Coastal Sharks Management Board

*August 1, 2023  
12:30 – 1:30 p.m.  
Hybrid Meeting*

### Draft Agenda

The times listed are approximate; the order in which these items will be taken is subject to change; other items may be added as necessary.

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|--|------------|
| 1. Welcome/Call to Order ( <i>E. Burgess</i> )   | 12:30 p.m. |
| 2. Board Consent <ul style="list-style-type: none"><li>• Approval of Agenda</li><li>• Approval of Proceedings from May 2023</li></ul>    | 12:30 p.m. |
| 3. Public Comment  | 12:35 p.m. |
| 4. Presentation on Scoping for Draft Amendment 16 to the Highly Migratory Species Fishery Management Plan ( <i>K. Brewster-Geisz</i> )   | 12:45 p.m. |
| 5. Consider Approval of Fishery Management Plan Review and State Compliance for the 2021 Fishing Year ( <i>C. Starks</i> ) <b>Action</b> | 1:20 p.m.  |
| 6. Other Business/Adjourn  | 1:30 p.m.  |

The meeting will be held at The Westin Crystal City, 1800 Richmond Highway, Arlington, VA; 703.486.1111, and via webinar; click [here](#) for details.

# MEETING OVERVIEW

## Coastal Sharks Management Board

August 1, 2023

12:30 – 1:30 p.m.

Hybrid Meeting

Chair: Erika Burgess (FL) Assumed Chairmanship: 05/21	Technical Committee Chair: Angel Willey (MD)	Law Enforcement Committee Representative: Greg Garner (SC)
Vice Chair: Vacant	Advisory Panel Chair: Vacant	Previous Board Meeting: May 2, 2023
Voting Members: MA, RI, CT, NY, NJ, DE, MD, VA, NC, SC, GA, FL, NMFS (13 votes)		

### 2. Board Consent

- Approval of Agenda
- Approval of Proceedings from May 2023

**3. Public Comment** – At the beginning of the meeting public comment will be taken on items not on the agenda. Individuals that wish to speak at this time must sign-in at the beginning of the meeting. For agenda items that have already gone out for public hearing and/or have had a public comment period that has closed, the Board Chair may determine that additional public comment will not provide additional information. In this circumstance the Chair will not allow additional public comment on an issue. For agenda items that the public has not had a chance to provide input, the Board Chair may allow limited opportunity for comment. The Board Chair has the discretion to limit the number of speakers and/or the length of each comment.

### 4. Presentation on Scoping for Draft Amendment 16 to the Highly Migratory Species Fishery Management Plan (12:45-1:20 p.m.)

#### Background

- NOAA released a scoping document for [Amendment 16 to the 2006 Consolidated Atlantic Highly Migratory Species \(HMS\) Fishery Management Plan \(FMP\)](#) in May 2023.
- Amendment 16 could result in large changes to the entire commercial and recreational shark fishery including changes to commercial and recreational shark quotas, shark management groups, shark retention or bag limits, and shark minimum size limits.
- NOAA Fisheries will accept public comment on this scoping document through August 18, 2023.

#### Presentations

- Scoping for Amendment 16 to the HMS FMP by K. Brewster-Geisz

#### Board actions for consideration at this meeting

- Consider providing public comment on Scoping for Amendment 16

### 5. Fishery Management Plan Review of the 2021 Fishing Year (1:20-1:30 p.m.) Action

#### Background

- State Compliance Reports are due annually on August 1<sup>st</sup>.

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|---|
| <ul style="list-style-type: none"><li>• The Plan Review Team reviewed state reports and compiled the annual FMP Review for the 2021 fishing year (<b>Supplemental Materials</b>).</li><li>• Massachusetts has requested <i>de minimis</i> status.</li></ul> |
| <b>Presentations</b>  |
| <ul style="list-style-type: none"><li>• Overview of the FMP Review Report by C. Starks</li></ul>  |
| <b>Board actions for consideration at this meeting</b>  |
| <ul style="list-style-type: none"><li>• Accept 2021 FMP Review and State Compliance Report.</li><li>• Approve <i>de minimis</i> requests from Massachusetts.</li></ul>  |






## 6. Other Business/Adjourn

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

**The Westin Crystal City  
Arlington, Virginia**

**May 2, 2023**

These minutes are draft and subject to approval by the Coastal Sharks Management Board.  
The Board will review the minutes during its next meeting.

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2. **Approval of Proceedings of November 9, 2023** by consent (Page 1).
3. **Motion to adjourn** by consent (Page 17).

**ATTENDANCE**

**Board Members**

Dan McKiernan, MA (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for L. Fegley (AA) (Acting)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	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)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Bill Hyatt, CT (GA)	Mel Bell, SC (AA)
Jim Gilmore, NY, proxy for B. Seggos (AA)	Malcolm Rhodes, SC (GA)
Emerson Hasbrouck, NY (GA)	Chris McDonough, SC, proxy for Sen. Cromer (LA)
Jeff Brust, NJ, proxy for J. Cimino (AA)	Spud Woodward, GA (GA)
Tom Fote, NJ (GA)	Erika Burgess, FL, proxy for J. McCawley (AA)
John Clark, DE (AA)	Gary Jennings, FL (GA)
Roy Miller, DE (GA)	Karyl Brewster-Geisz, NMFS

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

**Ex-Officio Members**

Angel Willey, Technical Committee Chair

**Staff**

Bob Beal	Madeline Musante	Joe Myers
Toni Kerns	Kristen Anstead	Caitlin Starks
Tina Berger	Emilie Franke	

**Guests**

Debra Abercrombie, US FWS	Wilson Laney	Carrie Solteneft, NOAA
Pat Augustine, Coram, NY	Shanna Madsen, VMRC	Alexei Sharov, MD DNR
Alan Bianchi, NC DENR	Tara McClintock, Cornell	Renee St. Amand, CT DEEP
Haley Clinton, NC DENR	Joshua McGilly, VMRC	David Stormer, DE DFW
Lisa Crawford, NOAA	Steve Meyers	Craig Weedon, MD DNR
Guy DuBeck, NOAA	Brandon Muffley, MAFMC	Ann Williamson, NOAA
Julie Evans	Thomas Newman	Greg Wojcik, CT DEEP
Thomas Farrell	Daniel Parma	Chris Wright, NOAA
Glen Fernandes	Paul Risi, City Univ of NY	Erik Zlockovitz, MD DNR
Sonja Fordham, Sharks Advocates	Michael Roy	Renee Zobel, NH FGD
Frianna Hammond, NOAA	Tara Scott, NOAA	
Jesse Hornstein, NYS DEC	Chris Scott, NYS DEC	

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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 via webinar; Tuesday, May 2, 2023, and was called to order at 3:45 p.m. by Chair Mel Bell.

### **CALL TO ORDER**

CHAIR MEL BELL: Welcome to the Coastal Sharks Management Board meeting. I'm Mel Bell; the Chair. We'll get us going here, we're actually a little bit early, which is good. We do have a hard stop for the awards ceremony. We'll get us going here.

### **APPROVAL OF AGENDA**

CHAIR BELL: First item on the agenda is Approval of the Agenda. Are there any additions to the agenda? I will say, I know of two items right now I have people contacted me about, things under Other Business.

But are there any other modifications of the agenda required? Oh yes, and I'll mention right now. Item 5 we're not going to deal with that today. We're not ready for that. We're going to either postpone to e-mail, or we will deal with it at the summer meeting. We're not going to deal with the acting on the Plan Review today. Other than that, any modifications to the agenda? Yes, Eric. No, would you like to be third? Okay. All right, got you. I have got three items for Other Business then. Yes, Jim.

MR. JAMES J. GILMORE: Just a reservation. I think the issue that we're concerned about in New York with thresher shark may come up during some of the discussion. If it doesn't, I may bring it up in Other Business. Thanks.

CHAIR BELL: Great, thank you. No other adjustments to the agenda, then is there any objection to approval of the agenda? I don't see any objection, so the agenda stands approved by consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR BELL: Next is Approval of the Proceedings from the November 2022 Meeting. Any edits required for the proceedings? I don't see any hands. Any objections to approval? I don't see any hands, so the November 2022 proceedings stand approved by consent.

### **PUBLIC COMMENT**

CHAIR BELL: That takes us to public comment. This would be public comment on anything not on the agenda. To anyone here in the public. I don't see any hands. Do we have anybody online? No hands there either, okay.

### **REVIEW NOAA FISHERIES' FINAL ACTIONS AND CONSIDER COMMENT ON PROPOSED ACTIONS FOR COASTAL SHARKS**

CHAIR BELL: We'll move right into our first and main and primary item, which will be a presentation from Karyl Brewster-Geisz from NOAA Fisheries HMS. She's got a, I call it a congealed salad of HMS things to bring up here. There are a few different things going on there that she will brief us on. We'll run through that. We can take questions as you are ready and that sort of thing.

MS. KARYL BREWSTER-GEISZ: Thank you, Mr. Chair. Hello everyone, it's good to see everybody here around the table, and I'm sure there are people virtually as well. For those of you who don't know me, I'm Karyl Brewster-Geisz. I work for the Highly Migratory Species Management Division of NOAA Fisheries. I am joined today by a number of colleagues who are sitting in the back, and I think there are a few online as well. We don't often have a lot to share with all of you. I know we've been working on a number of items for a number of years, but as our Chair had told you, I have a lot to go through today.

We have several completed items that I wanted to just give you updates on, and explain what they are. Then a number of proposed or upcoming actions as well. Some of these actions have not yet been published, so you are seeing in the early version of

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what I hope might be. Starting with the completed actions.

### **FINAL AMENDMENT 14 TO THE 2006 CONSOLIDATED ATLANTIC HMS**

MS. BREWSTER-GEISZ: Our first one is Amendment 14 to our Federal Highly Migratory Species Fishery Management Plan. This is an Amendment that we've been working on for a number of years. We finally published it in January, and it establishes a framework first and foremost for coming up with Acceptable Biological Catch for all of our shark species.

It is based on a tiered approach, which is something a lot of our fishery management councils have also followed. It also allows for a phase-in of those acceptable biological catches. It will allow us to actively manage not just the commercial fishery, like we've been doing for years, but also the recreational fishery. In other words, we will be setting commercial and recreational quotas.

It will be changing how we deal with the commercial quotas, in that there will no longer be quota linkages. If you'll remember right now when our large coastal fishery closes, the hammerhead fishery closes as well, because those quotas are linked. In Amendment 14 we're removing those quota linkages.

We're also changing how we're going to handle carryovers, and we are changing how we'll deal with overfishing status in between stock assessments. Nothing in Amendment 14 is actually in place yet. Amendment 14 didn't have any regulations attached to it. Instead, we're going to be working on Amendment 16, to implement all of these changes. I'll be talking about Amendment 16 in just a few minutes.

### **FINAL ATLANTIC SHARK FISHERY REVIEW (SHARE)**

MS. BREWSTER-GEISZ: The other document that we finalized is what we like to call our SHARE

document, or the Shark Fishery Review. We finalized this in March, and it is a very large document with a lot of data in it, where we are looking at the entire shark fishery as a whole. We are not looking at the stock statuses, we are looking at the fishery.

How is the commercial aspect going, how is the recreational aspect? What are the dealers doing? Are the permits, okay? Just the whole kit and kaboodle to see how things are going. Overall, it came up with a number of suggestions and ways for us to move forward, including things like changing our permit structure.

Right now, we have directed limited access permits and incidental limited access permits, possibly changing those incidental permits to open access permits to allow more access into the fishery. Changing commercial retention limits, perhaps changing regional or subregional quotas, or the recreational size and retention limits. In addition to looking inward at our fisheries, we also looked at some of the external factors that within HMS we can't control, but we do weigh in on things like the CITES listings, things like all of the state fin bans, or more recently the national fin ban, and how all of that impacted it.

The result of some of that, we are planning on improving our communication even more than we have in the past. If you remember with things like dusky sharks, we really tried to increase how much communication and outreach we had out there regarding sharks. We are trying to improve that even more.

Some of you may have been aware that we just had a shark art contest, in celebration of 30 years of the Federal Shark Fishery Management Plan. You will see more and more coming out this summer, in regard to that 30-year celebration, and that is one of our first steps in increasing communication.

But a lot of these potential ways forward for sharks, you will see echoed in Amendment 16, which again is something I'm coming to soon. I just realized, I keep forgetting to say next, so I apologize.

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## **PROPOSED AND UPCOMING ACTIONS**

MS. BREWSTER-GEISZ: Proposed and Upcoming Actions. This is getting into the meat of where I'm really looking forward to what kind of comments and suggestions all of you have.

### **PROPOSED RULE TO PROHIBIT THE HARVEST OF OCEANIC WHITETIP SHARKS**

Our next slide is regarding our proposed action for oceanic whitetip and hammerhead sharks. This is a proposed rule. The comment period is open until May 22. We did this proposed rule as a result of two biological opinions that we had on our fisheries. Biological opinions are something that is required under Section 7 of the Endangered Species Act.

Both oceanic whitetip and a portion of the hammerhead shark, scalloped hammerhead shark population, are listed as threatened. It is threatened, not endangered, but threatened under the Endangered Species Act. Oceanic whitetip is listed as threatened throughout its range, and scalloped hammerhead is listed as threatened in the Central and Southwest Atlantic State population segment.

That segment overlaps U.S. waters around Puerto Rico and the U.S. Virgin Islands. That distinct population segment is not really something that this body is concerned about, but we did put forward an alternative of prohibiting the retention of scalloped hammerheads across its range within our waters. I did want to raise that to all of you, that that is an option we looked at.

MS. BREWSTER-GEISZ: Because of these biological opinions, we are proposing to add oceanic whitetip sharks to the prohibited shark species group. That would mean no more retention or anything regarding oceanic whitetip. For the most part, well one, we haven't had landings in years. But two, most of our

fishermen can't keep them anyway. This would just formalize that aspect of it.

Regarding scalloped hammerhead, because of the difficulty in telling the difference between scalloped, great and smooth, we are proposing to prohibit the retention, commercial and recreational, of great, smooth and scalloped in the U.S. Caribbean. As I said, we do have an alternative, looking at prohibiting the retention throughout the range. We are in the middle of public comment right now, and we have received a number of comments requesting that we go forward with that alternative, but that is not what we proposed. We proposed just the U.S. Caribbean.

### **SCOPING FOR AMENDMENT 16 TO THE 2006 CONSOLIDATED ATLANTIC HMS FMP**

MS. BREWSTER-GEISZ: Moving on to the next item, and that is Amendment 16. Amendment 16 is going to be a large rulemaking, and we are starting with scoping.

Scoping means that we are looking forward to comments on where people would like to see us go. We are not proposing anything at this time, and in fact this is not yet out publicly, but we are expecting the notice to publish very soon, hopefully this week or early next week. When that happens, we are expecting the comment period to end in mid-August.

I would very much like comments from this Board regarding Amendment 16, and where we could go from here. In short, Amendment 16 would implement Amendment 14. That means it would establish the acceptable biological catch and annual catch limits for all non-prohibited shark species.

It would optimize the ability, at least we hope it would optimize the ability for the commercial and recreational fisheries to harvest their full quota to the extent that we can. Right now, as all of you know, we are not landing our shark quotas commercially. It would also increase our management flexibility to react to any additional factors that come through, whether that is switching the proportion between commercial and recreational quotas.

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Whether that's because climate change is shifting where the species are going, and we need to allow for more quota to be farther north than south, or anything else that comes up. We're hoping to really improve our management flexibility to react. I think it's fair to say that Amendment 16 looks at everything, and I mean everything.

We are planning on looking at how to establish annual catch limits for all shark species, using the tiered system we set up in Amendment 14. As part of that we are also looking at the management groups. Right now, we have large coastals, we have small coastals, we have smoothhounds, blacknose is pulled out.

We have pelagic sharks, but some species are pulled out. Hammerheads is its own management group. Do we want to keep those management groups? Do we want to combine them by what gears species could be landed with? Do we want to combine them by all of these stocks we were pretty good on what we think the quota is, because they've been assessed, versus all of these stocks have not yet been assessed, so we're going to work and come up with a combined.

This is opening the door for changing that entire structure. We are considering regional and subregional splits right now for some of our stocks, like blacktip. We have a split between the Atlantic and Gulf, because the scientists tell us there are two different stocks. But hammerhead sharks we have the split between Atlantic and Gulf for management purposes.

Blacknose sharks, we actually have a management split in the Atlantic. Anyone north of 34 degrees are not supposed to be landing blacknose sharks commercially. Maybe that split isn't appropriate anymore, given more and more blacknose are heading further north. We're opening the door for that. We're looking at the exempted fishing permit quotas. For the most part we have a 60 metric ton quota for almost all of the species. That hasn't changed since 1999.

Maybe that should be looked at. We have pulled out quotas for sandbar and dusky, we've done some things for, and we had a separate smoothhound quota. But we're looking at that. We're looking at changes for sandbar sharks, and therefore we are also looking at changes for the shark research fishery, and how that might work in the future.

Commercial retention limits, once we start playing with the quotas, that retention limit we have, of the maximum of 55 large coastal and hammerhead sharks may not be appropriate. Maybe we need to change those. Then recreational retention limits and size limits also might be open for changing.

Again, this is scoping. We are opening the door wide open. It doesn't mean that in the proposed rule we'll take on all of this, but as with so many things with sharks, once you start pulling on one thread the whole thing tends to unravel. We need to look at it as a whole. I do want to provide one example of what I'm talking about, when I'm talking about the annual catch limits and the acceptable biological catch.

If you all remember a few years ago we did an Atlantic blacktip stock assessment. That stock assessment is a gold star of all stock assessments. It has all the bells and whistles, it's a really good example of a stock assessment. It gave us an overfishing limit of over 400 metric tons, using the tier structure in Amendment 14, it comes out to be a Tier 1 stock assessment, so then we apply the numbers there for an ABC Control Rule.

If we look at using an HMS risk policy of 70 percent, meaning we are 70 percent sure that we will not be overfished or overfishing within a certain timeframe. That reduces the OFL to an ABC of just over 300 metric tons. We include a management buffer, comes up with an ACL, which would then be split between the commercial side and the recreational side.

At the moment, for commercially, we are landings approximately 38 percent of that potential quota, and 89 percent of the potential recreational quota. Where do we go from here once we set it up? We have not yet proposed anything. We have not yet

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used the stock assessment. But that is just one of the examples that we're looking at in Amendment 16.

### **SCOPING FOR ELECTRONIC REPORTING**

MS. BREWSTER-GEISZ: Moving on to another rulemaking, Electronic Reporting. I know many of you are aware of electronic reporting through the fishery management councils, ASMFC. There is eTRIPS and HMS for commercial fishery we have eDealer. We are looking at implementing electronic reporting throughout our HMS fisheries, and trying our best to make it consistent, in terms of how and timing and all of that, with all the Councils and the different states.

This rulemaking again, the notice isn't quite out, but I hope it will be out within a week or two. Comment period would end in mid-August. The main purpose of this rulemaking is to streamline and modernize our logbook reporting. But it may include requiring reporting of people who do not or have not traditionally had to report their HMS.

That might include, for example, charter headboat fishermen fishing for sharks. They might need to start reporting. It could affect this body, and when I come back later and ask.

### **PROPOSED RULE FOR AMENDMENT 15 TO THE 2006 CONSOLIDATED ATLANTIC HMS FMP**

MS. BREWSTER-GEISZ: Last rulemaking that I'll be talking about is Amendment 15. This is a proposed rule that we actually just released yesterday. The rule will publish in the Federal Register on Friday, but an early version of the rule is available on our webpage, along with the Draft Environmental Impact Statement. It is a very large document, it is very complex, and it does a lot of things.

I'm going to focus primarily on what it does that could affect this body, but recognizing it will affect probably fishermen in all of your states as well for other things. The two things this rule

does, is it looks at our spatial management areas. We have four of them. One is the Bottom Longline Shark Closure off of North Carolina, and then we have three Pelagic Longline Areas along the east coast and in the Gulf of Mexico.

We are looking at whether or not these areas need to be modified in order to collect data, and how would we collect data, while continuing to watch out for bycatch and bycatch mortality. Then the other thing this rule does is it proposes shifting the cost of our pelagic longline electronic monitoring system from the Agency to the vessels.

To be clear, this is the sampling cost not the administrative cost of running the program. We had looked at a number of issues. We looked at evaluating the areas for the "A" alternatives, we looked at how to collect data within those areas, and then we looked at how often do we need to reevaluate the areas for the "C" Alternatives.

For this particular body, I decided to focus on our Mid-Atlantic Shark Area. This is an area that is currently closed off the state of North Carolina from January through July of every year. It was designed to protect sandbar sharks and dusky sharks. If you look at this red area, the hatched part of it is the current closed area.

In Amendment 15 we are looking to extend that eastern boundary, and we are also looking to shift the timing from January through July to November through May. Some of you may be wondering, well how did we come up with that? We actually worked with a model we designed specifically for HMS that we call PRISM. All of the details of that are on our web page.

But in short, it takes a look at all of the observer data we have, and it compares that observer data to environmental data that has been collected, such as sea surface temperature, pH, chlorophyll-a, all of that to predict interactions between the fishing gear and the environment, and what the environment is showing.

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We are proposing that based on the results of that spatial model. We are looking, for a lot of these areas we have split them into high bycatch risk areas and low bycatch risk areas, and we have different monitoring within them. For this particular area we are not proposing any split between high and low bycatch risk areas.

This entire area is a high bycatch risk, because it is very likely you will catch sandbar and dusky in it during those timeframes. We are maintaining the current data collection program for which is primarily the shark research fishery. Then we are proposing to evaluate this area every three years, unless there is some other trigger that comes up that requires us to take a look sooner. As I said, we also proposed a number of other changes for our other closed areas. You can see for the Charleston Bump and the East Florida Coast closures there are both red areas and yellow areas. Those yellow areas are low bycatch areas, where we are proposing different ways of monitoring and allowing fishermen to go in and fish in those areas. I mentioned the EM sampling cost, switching that from the Agency to the industry. We are proposing to do that over a phased three years.

Lastly, we are proposing changes to our regulatory text to make it clear that if we implement other spatial management areas, we would be following a similar approach that we are proposing for all of these alternatives. That is Amendment 15 in a nutshell. There is a lot more detail. That is pretty much all of what I had to share. I've provided the webpages, or what will be the expected webpages for Amendment 16 and our electronic reporting. If there are questions that's what I'm here for.

CHAIR BELL: Thank you, Karyl. To say that is a lot is kind of an understatement. That is a lot. She went through quite a bit there. Obviously, there are some pretty significant things coming, some changes, and some of it's early. Like you said, we're not really technically into scoping, but I know you are looking for any feedback you might be able to get from us at this point, particularly

related to maybe 16. But that is still kind of early. When is our next meeting scheduled, just a date, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: First week of August.

CHAIR BELL: You had mentioned wanting something again from us by mid-August. I mean we can get another swing at it, I guess, in August as well. Okay. Any questions? That is an awful lot. Yes, John Clark and then Chris and Mike.

MR. JOHN CLARK: Thank you for the presentation, Karyl. Could you just say a little more about the sandbar sharks? We've seen them coming back in Delaware Bay, and just curious as to, their status is going to change from research, kind of prohibited to a more open fishery?

MS. BREWSTER-GEISZ: Thanks for that. Sandbar sharks, we also have a stock assessment that we've been waiting for Amendment 14 in order to implement. That stock assessment showed that sandbar sharks continue to be overfished, but they are slightly ahead of schedule, in terms of rebuilding, which is great news.

There is a possibility of looking through and following that tree, if you would, to come up with different quota levels. Small possibility we might be able to possibly allow some sandbar sharks outside the shark research fishery, and so that is what we are looking for and looking for comments on. It would probably be a small amount; it wouldn't be a huge quota like the others.

CHAIR BELL: Okay, I've got a line here. Next Chris Batsavage and then Mike Luisi and Jim Gilmore.

MR. CHRIS BATSAVAGE: Thank you for the presentation, Karyl. Two questions. I think I heard earlier, and it might have been regarding Amendment 16, looking at management flexibility. You mentioned commercial and recreational allocation. Did I understand it correctly that you are considering being able to kind of dynamically change those as conditions change, or are you looking at

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maybe just changing the allocations in the amendment? Just wanted some clarification on that one, then I have an unrelated question.

MS. BREWSTER-GEISZ: We're looking for possibly any of those ideas. I think in my head it was, how do we change the allocations if it looks like recreational needs a lot more than what they have, whereas commercial isn't catching what they already have. But it could be changing ocean conditions causing that need.

MR. BATSAVAGE: We address allocations quite a bit here, and at the Council level. It can be pretty controversial. I don't know if perhaps having more options for the public to consider, as far as allocations that are set forth in the amendment with maybe options to transfer surplus quota from one sector to another, once we've done with other fisheries. Again, just kind of drawing on experiences we've had here at ASMFC and the Councils when it comes to allocations.

The second question I had was on oceanic whitetip sharks, where you're considering prohibited harvester catch. It's listed as threatened, and it just seems odd that it wasn't prohibited in the first place. Can you explain why, as soon as they were listed as threatened or the ESA that the prohibited didn't take place at that point?

MS. BREWSTER-GEISZ: Kind of. I'm not an ESA expert, but my understanding is under ESA, if they wanted to prohibit it directly, they could have, doing something, I think it's called the 70 Rule, but I could be wrong on that number. They did not do such a rule for oceanic whitetip, so it was not prohibited specifically through listing under the ESA.

CHAIR BELL: Okay, Mike Luisi.

MR. MICHAEL LUISI: To the point you made about this is quite an undertaking, my first question is, Karyl, and thanks for the presentation. Whose lunch did you steal out of the refrigerator in your office to be tasked with

something like this? This is something! I mean there is a lot here, there is a lot to it, and I hope that this Board will be able to offer guidance as it develops. Secondly, and I don't expect an answer to that first question. But secondly, I would like to just get your feedback on the reporting element, the electronic reporting piece to this.

You know at the Mid-Atlantic Council we speak often about permit holders and the reports that they need to fill out upon completion of trips, and whether or not they have northeast permits, southeast permits, HMS permits. There is always some frustration about having to do multiple permits, and I'm going to screw up the acronym and mess up the project that is currently being worked upon, which synchronizes the different areas and groups.

I assume, but you can correct me if I'm wrong. I'm assuming that HMS is in sync with those projects, so that a fisherman that comes back to the dock and reports his or her catch, can do it in a one-stop-shop fashion, rather than to have multiple inputs that go different places. If you have any comments on that that would be great. I see Carrie is your lead person on that. I could always work with her as well. Thank you.

MS. BREWSTER-GEISZ: Yes, Carrie is our lead person on that, and actually is sitting in the back of the room, if you wanted to grab her after the fact. But yes, we are in sync with that whole process, and trying very hard to implement, eventually, a one-stop reporting for all HMS with everything else. That's the goal.

CHAIR BELL: Jim Gilmore.

MR. GILMORE: I bought the same system, because I thought this worked so good for back home, now I'm starting to think maybe I should return it. Actually, it's two questions now. I've got one in terms of an immediate concern on management, and then a second one on outreach and education. Let me take the first one.

With the Large Pelagic Survey, in the case of New York, that we're harvesting large pelagics and with the restrictions on the mako fishery and all the

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coastal sharks. It appears most of the guys fishing for shark now are going for common thresher, which is now raising a concern, because the data we reviewed, the size limit right now is 54 inches, which seems to be well below the maturity level of 85 inches.

We need to start looking at, do we need to put some size limits on common thresher, if we're suddenly not going to have a problem. At this point it's a procedural thing, is this a joint effort we would do with the Commission, for NOAA and the Commission or how do we go about that? At this point we're just raising it because we're seeing a concern, and I think we need to start getting some data on what we should be doing with maybe a size limit. If you want to respond to that, and then I'll talk about the other issue.

MS. BREWSTER-GEISZ: I would agree, we have seen some concern about threshers over the years, and now the thresher sharks are really the only pelagic shark that can be landed. That is also concerning. I am hoping through Amendment 16 we might be able to do something, but thresher shark is also managed through ICCAT, so we're limited on all of that as well.

MR. GILMORE: Secondly, for the last two years, but particularly this past year, we have had unprecedented issues with interactions between sharks and humans in New York. We actually thought we were ahead of the curve, because we did a coordination with all the counties and the towns and Park Service, whatever to be prepared for the bathing season.

The week after we had that coordination meeting, we got a couple of shark bites, mostly sand tigers. But we assured the public that we had only had 8 in the last hundred years, so it was not really a big need for concern. Then three days later we had 10 bites from sand tiger sharks. I still said, well, we don't really have much of a concern, and then the following day a 7-foot juvenile great white washed up in the Hamptons.

The media became all over this, and eventually I ended up doing a press conference with 7 or 8 media outlets. After I tried to spin the good news about well, part of our management is maybe being successful. We have large menhaden populations that they're feeding on, and all this good news. Really, they are a simple bite. We're not really having fatal interactions. One of the reporters asked me, you mean you did this on purpose? I didn't know how to answer that question, and it just underscored the issue of the education about this and what we're doing. The public doesn't understand, and it became a bit of a circus, because now our enforcement guys are having a lot of difficulty, because everybody is grabbing sharks out of the surf, thinking they are saving attacks from their kids or whatever, when they are actually breaking the law.

We really need to improve on that outreach. We're trying to do things in the state, but if we keep succeeding, I think other states are going to be having the same problem. Again, some of the states have much more difficult problems than we have in fatalities. But the frequency of interactions is definitely going up, as we improve on our management for both the predators and the forage base, so we really need to start looking into that.

CHAIR BELL: Thanks, Jim, sounds like a scary movie. Okay, Erika Burgess.

MS. ERIKA BURGESS: Karyl, I don't think anyone can get away with commenting or asking questions right now without saying, how the heck are you all going to do all of this work at once? It is a lot. I am encouraged by Amendment 14 and 16. I'm looking forward to seeing what opportunities that creates for our fishermen.

The electronic reporting slide went by too fast for me to capture all of it. I'm hoping we can get a copy of the presentation, because I think there are so many things in here that touched for Florida, the Gulf and the Atlantic Coast, and we're going to be getting lots of questions, I'm sure. I did want to ask about Amendment 15.

Given the timing that it came out, I haven't had the opportunity to dig into it, and I know with this body the North Carolina area might be more relevant, but for Florida, the East Florida closed areas, the area of interest for myself. What information are you hoping to gather through that, and then for what purpose?

MS. BREWSTER-GEISZ: You are asking what information we hope to gather out of that area. Those areas, Charleston Bump, East Florida Coast and Desoto Canyon were closed right around the year 2000, and they were closed to reduce bycatch and bycatch mortality from the pelagic longline fishery.

Since the year 2000, that fishery has changed dramatically. Back then they were primarily a J-hook fishery, now they are required to use circle hooks. Back then swordfish was severely overfished, and now it is completely rebuilt, and we are only landing about 20 percent of our potential quota.

There have been other changes, changes in shark status, changing how the longline fishery fishes. But those areas were closed primarily for bycatch purposes within our pelagic longline fishery. With all of those changes, we no longer know if those areas are the appropriate areas to be closed for the bycatch species of concern that we have now.

Because they've been closed, and because particularly as you know, the East Florida Coast one, it's been difficult to get anybody to go in and do research, to find out what happens if people use the pelagic longline they are using now in those areas. We are proposing to keep the areas that we think are still high bycatch risk, based on that spatial management closed, while allowing for some ability to fish with the pelagic longline gear as a fisherman in there, and collect fishery dependent data, to find out are the bycatch species we're concerned about impacted, and if they are, we would evaluate that, figure that out, and close that area again.

If they aren't, we would evaluate it, find that out, and maybe we would possibly in the future reopen it, or relax some of the restrictions to that monitoring area. But at the moment we are just proposing to allow some limited fishing going in, to see what happens, because we don't know. With the changes in how the fishery is done, what will happen when they go in there?

MS. BURGESS: Thank you, Karyl, and we'll be looking at this further. I'm sure it comes as no surprise to you, considering the number of letters FWC has written in opposition to any research activities within this area that we strongly support this area to remain closed to pelagic longline fishing. We have in the past, and we'll look into this further, but I don't feel that our position is likely to change.

CHAIR BELL: Gary Jennings.

MR. GARY JENNINGS: Karyl, thank you for your presentation. I'm going to kind of echo what you just heard from Erika regarding Amendment 15. Multiple Florida Governors, the Billfish Foundation, CCA, ASA, IGFA, FWC, have all made it very clear that they don't want a longline fishery off the East Coast of Florida.

It's a known nursery area for marlin, sailfish and swordfish. It's also home to the best sailfish fishery in the U.S. After the issues with the last proposed EFP, I suspect that there is going to be very robust opposition to Amendment 15 from the state of Florida.

CHAIR BELL: Any other questions for Karyl? Yes, Chris.

MR. CHRIS McDONOUGH: I have a question related, the example you used with the Mid-Atlantic Area with the closure area off of North Carolina. That's based on the model that you're using, the probability model for just intercepts with the species and the potential gear in the area?

MS. BREWSTER-GEISZ: The observer data with environmental data.

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MR. McDONOUGH: Okay, and I was just curious, has that model been peer reviewed?

MS. BREWSTER-GEISZ: Yes, we had the model peer reviewed a year ago. It published and we have the article available on our webpage, along with explanation of it. We also had our approach for using the model, to come up with the proposed changes to the areas peer reviewed as well, and those peer reviews are also available on the webpage.

CHAIR BELL: Any other questions? Emerson.

MR. EMERSON HASBROUCK: Thank you, Karyl, for your presentation. I have a general question, not related to the presentation. I'll get started, and Mr. Chairman, if you think it's out of order, I can take this up with Karyl at another time. I'm just trying to understand HMS requirements and ESA and MMPA interactions. Am I correct in the understanding that any commercial or recreational vessel that wants to harvest any HMS species, has to have an HMS permit, whether they're fishing in state waters or federal waters, and whether or not they have any other federal permits. Is that correct, or is that incorrect?

MS. BREWSTER-GEISZ: That is incorrect. It depends upon the species. If you are fishing for tunas, you are correct, you need an HMS permit wherever you fish, except for two states, Mississippi and I'm going to say Connecticut, but I might be wrong on that. Everywhere else we manage tunas to the shore.

But for sharks, we do not manage to the shore. All of you manage to the shore. We only manage in federal waters. If you want to go fishing for sharks in federal waters, you need an HMS permit. If you have that HMS permit and you are fishing in state waters, you have to follow federal regulations, unless the state is more restrictive.

MR. HASBROUCK: Thank you for that clarification, and I have a couple of questions relative to that. Again, Mr. Chairman, if you think

I'm getting far afield here, let me know. Thank you for that clarification. If a state or federal vessel is fishing in state waters for tunas, they have to have an HMS permit.

Those fishermen then, are they covered by a designated, I'm going to say designated, maybe that's not the correct term. The designated takes of ESA and MMPA species relative to the tuna fisheries? If you want, I can give you the reason why I'm asking this, or I can do a follow on.

MS. BREWSTER-GEISZ: Yes, if they have a federal HMS permit, they are covered under ESA and MMPA because of those permits.

MR. HASBROUCK: Even if they are in state waters? Okay, the reason I am asking this is because recently the bi-op, at least for northeast species was just recently changed or rewritten. I don't know if there is anybody else here from the regional office. For fisheries that used to be covered under the bi-op and the designated takes for ESA and MMPA species.

Those takes are no longer, takes meaning just even interaction, right, are no longer covered in state waters. What I'm being told from the Regional Office is that some of the experimental gear work that we're doing in state waters, where those takes used to be covered, by the general bi-op for the fisheries are no longer covered.

But now you're telling me that for tunas those takes are covered. Is that a different bi-op? I'm just trying to straighten this out in my mind, in terms of why things used to be covered, why things aren't. I kind of understand that the new bi-op, at least for the Northeast Region excludes state waters now. But how is it then that the federal HMS permit for tunas covers takes in state waters?

MS. BREWSTER-GEISZ: I'm not familiar with the Northeast Biological Opinion, so I can't respond to that. For HMS, we have two biological opinions, one for our pelagic longline fishery and one for all of our fisheries outside of the pelagic longline fishery, and that includes all of our tuna fisheries, all of our recreational fisheries, all of our commercial fisheries.

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I'm happy to talk more with you about that, but as I said, I don't know anything about the other biological opinion that you are discussing.

CHAIR BELL: Yes, let's take that offline maybe, Emerson, but thanks for the questions and thanks for being willing to take them on. Anything related specifically to the presentation that Karyl has given? We'll get another shot at this in August. I would also, in the briefing material there are links to websites to provide additional information as well.

Thanks for the links to staff and Karyl. Anything else related to anything you've heard? I'm personally, I think 16 is going to be, I'll echo that good luck with that. It sounds like there is a good opportunity to make some changes in the fishery, and look at it in a more holistic approach, maybe, and maybe some of the things that we hear about issues with the shark fishery can be addressed. I'm not sure, what's the time table on that?

MS. BREWSTER-GEISZ: We are hoping for the comment period to end mid to end of August, and then it will probably take us about a year before the proposed rule comes out. Yes, I now know I shouldn't steal anyone else's lunch from the refrigerator.

CHAIR BELL: Toni.

MS. TONI KERNS: There are, well two things. August 18 will come very quickly after the summer meeting. It would be good if the Board perhaps started thinking about things they wanted to comment on, provide that information to Caitlin ahead of the meeting, so that we could have a list to discuss at the meeting.

Then that way it will make it much easier for us to draft a letter quickly and get it back. We can follow up with that. But there are some deadlines that are sooner than August, so the whitetip is due on May 22, so we need to know if

the Board would like to comment on the whitetip.

CHAIR BELL: Well, good point, while we're here now any comments specifically about the whitetip? I think it was the first thing we talked about. I don't see any hands. Again, it is a lot quicker between our meeting and their time deadline, so giving some thought to this ahead of time before we get to the meeting in August would be good. Any comments about any of it? Yes, Chris.

MR. BATSAVAGE: Probably more of a question for Toni regarding oceanic whitetips. If the final rule comes out and prohibits the take of oceanic whitetip, I guess it's then the Coastal Shark Board's decision on whether or not to apply that in state waters, correct, or do we automatically adopt that through this complementary management? I can't remember all the nuances of Addendum V to the Coastal Sharks FMP.

MS. CAITLIN STARKS: Yes, I can answer that. I believe you would have to initiate an addendum to adopt that same rule. Toni is not sure if that is correct.

MS. KERNS: We would have to look. The Board did allow us to move to do Board action for some things, I just can't remember if prohibited is one of those actions or not, so we'll look that up.

CHAIR BELL: Okay, good question, Chris. We'll get back to you. Anything else for Karyl right now while we have her here? Yes, Roy Miller.

MR. ROY W. MILLER: Mr. Chair, when we adopted regulations to close fisheries from Mako, we didn't go through an addendum, did we? Wasn't that an administrative action? Wouldn't it be the same for whitetips?

CHAIR BELL: We're giving that some thought here right now.

MS. BREWSTER-GEISZ: I think, if I may jump in, with the Mako sharks it was changing the retention limit to 0, which is I think, a way the Board could move. What we were actually proposing is moving it onto

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the prohibited species list, which is a slightly different thing, it's more than just a retention limit.

CHAIR BELL: There may be some nuance to how you do it. It allows you to do it without an addendum, okay. We'll give that some thought. Yes, Caitlin.

MS. STARKS: If that proposed rule goes through to a final rule, then we will prepare the information for the Board to discuss it at the following Board meeting.

CHAIR BELL: Yes, Eric.

MR. ERIC REID: I have a question about permitting. Which one of these comment periods should I consider making that comment? You probably know what it is, I've asked it a dozen times. It's about the fishermen can get their shark permit online, dealers have to go in person every three years. At what point can dealers be provided the same luxury as fishermen in getting that permit?

MS. BREWSTER-GEISZ: That is actually in place now. Any new dealers still need to go in person for the first time, but once you have the dealer permit and have attended one workshop, every three years you take it online.

MR. REID: Okay, sorry I missed that, but I won't have to ask it ever again, so thank you.

MS. BREWSTER-GEISZ: It happened during the pandemic, so it's understandable.

CHAIR BELL: Yes, lots of things happened during the pandemic, okay thanks, Eric. Anything else for Karyl right now? Okay, thank you very much for the presentation, and again good luck. We'll be communicating with you, I'm sure quite a bit.

#### **OTHER BUSINESS**

CHAIR BELL: Let's go ahead to Other Business. Jim, did that cover you for thresher, so you're

good? Then I've got John Clark who had an item he wanted to discuss, and then Eric, you had one.

#### **COLLECTING PERMITS**

MR. CLARK: Karyl, you are aware of this one. I wanted to bring up the collecting permit situation. As I mentioned at the last meeting, we've seen a big uptick in our request for collecting permits, especially for sand tigers. Madeline, could you put up that slide. I guess that has to be blown up quite a bit, but I think you can see that we've gone from very few sand tigers, to a situation where for this year we've been requested to issue permits that would allow 38 sand tigers. I spoke to Karyl and her team about a month and a half ago, and I think I'm correct, Karyl in saying that everybody, they have to have a display permit right, from NOAA.

You're keeping tabs on the overall number of sharks being requested for display, but my question was more for how states should coordinate this, and what is the number of sharks that we should permit for these displays? If I could just, you know knowing the collecting permits that we're getting in Delaware have gone from individual aquariums to a business that gets sharks for aquariums, and brings up another issue that displaying them anywhere is for education purposes, of course.

In recent years when we get the reports, we see Delaware Bay sharks are in Sea World Abu Dhabi. They are in Korea; they are in Vegas at a Casino. I mean they are doing a lot more traveling than I am. I just was curious as to, again, if there is a way, we can coordinate between NOAA Fisheries and the states, and I know in Delaware when we brought this up with some shark researchers in our state, they were concerned about this.

I know the last assessment for sand tigers was in the early 2000s. Some of these researchers were wondering whether we should allow this level of take, and also a point they brought up was that a lot of these sand tigers, there have been efforts that are putting transmitter tags in sand tigers in particular, and saying that as part of the permit can we make sure that those collecting these are scanning for

those tags, to make sure that those tagged sharks aren't going to Sea World Abu Dhabi.

I just wanted to bring it up, and I think the graph there, as you can see, we've had a big increase, not just in requests, but in the number of sand tigers collected. If I'm not mistaken, Karyl, you said that NOAA Fisheries has received a request for 40 sand tigers for this year. Delaware's request this year has not exceeded that. But I'm just curious as to whether other states have issued any collecting permits for sand tigers for aquarium use, and if there is a way, maybe at least informally, we can coordinate our permits so we know what's going on with that.

CHAIR BELL: Anything to comment on?

MS. BREWSTER-GEISZ: Thank you, John. We issue display permits from all of our states, so Maine through Texas and the Caribbean. Display permits generally tend to go to aquariums, though we do have a few people, as John mentioned, who collect sharks for aquariums to use, and those aquariums are not always United States based aquariums, or even Atlantic Coast based aquariums. But sometimes they are.

We tend to issue and authorize collection of a lot more sharks than are typically collected, although one of the things we noticed when John showed us his numbers up on the screen, that they do not necessarily match. Sometimes his numbers are larger than the numbers we have from all of our collectors. After having our discussion, we've changed the wording on some of our permits, and trying to make it clearer for the collectors that our number is the total number, and that they need to report not just federal collections, but also collections that they make in the states, so we can have a sense of those total overall numbers that are being collected. I echo John's thoughts, in terms of coordination and better coordination.

CHAIR BELL: John, were you kind of looking at some thoughts about coordinating between the

states, or were you just kind of talking state/federal? What were you looking at?

MR. CLARK: Well, I think both. You know as Karyl said, they get the permit. Anybody that wants to collect sharks for display have to get the NOAA Fisheries permit. But then just as I've learned more since our conversation, I know that the group that has requested the most sand tigers from Delaware, for example, they are not anticipating they are going to be collecting that number, because they don't have that number of requests so far.

But at the same time, they could be requesting in different places. Then as I said, one thing I hadn't thought of but the researchers brought up to me is that sand tigers have been pretty heavily researched, and there is a lot of effort going into tagging them. If a shark does get collected and set overseas that turned out to have a tag in it, that would be a big loss, in terms of the research value. I don't know, can NOAA Fisheries require scanning for those tags, and prohibit the taking of a tagged shark, or is that something that should be done at a state level?

MS. BREWSTER-GEISZ: We have not requested that. But generally, my understanding, if one of them found a shark with a tag on it they would report that. The display collectors are actually required by us to put in pit tags. Display aquariums do not generally like spaghetti tags showing up on their sharks, so they wouldn't keep a spaghetti or a pop up or any of those tags on the shark if they are trying to sell it. I think it also would show on the shark, so I'm not sure they would actually keep those sharks for display.

MR. CLARK: I thought the same thing, but I was told that a lot of these transmitter tags are put in internally, they don't have external tags on them, and that sharks heal up so quickly that there is no scar left. The only way you can tell that you've got a tagged sand tiger is to actually use one of these scanners. I was told the scanners can be fairly expensive, maybe a couple thousand dollars, but considering the numbers that are being requested, I don't think it would be a huge imposition on this one collector in particular, to scan for these tags.

MS. BREWSTER-GEISZ: Yes, as I said, we already require that they put pit tags in, so many of those collectors already have scanners to scan for the pit tags.

MR. CLARK: This is a different type. You know again, this is secondhand from what I was told. But I was told that no, it's not a pit tag scanner, it's almost more like a telemetry tag. You would almost need a receiver to run it over the shark and see if it's pinging the receiver.

CHAIR BELL: Okay, Mike Luisi, did you want to weigh in here?

MR. LUISI: Yes, just really quickly regarding coordination. We get requests from time to time, but I would recommend to the other states to do what we do, and just send it to John. Just forward a request to John and let him handle it. That's all I had.

CHAIR BELL: We've appointed John as the Coastal Coordinator for it, okay, good deal. John, we coordinate closely with HMS when we get a request for a permit. We don't get any numbers like you see, but what we require is that they have the HMS permit and then whatever they are allowed, there is the number they are allowed by us. We don't have any huge numbers, and it's not quite as big a demand, it looks like, as maybe in your waters. Thanks for bringing it up.

MR. CLARK: Actually, all kidding aside, Mike. For the time being, you know I'm sure this is a fairly small-scale situation right now. I would just be curious if your state has gotten request for sand tigers, yes, please do send them to me, and I can tell Karyl, because I doubt it's more than a few states that have gotten these requests. It sounds like in Delaware now, with the sand tigers, it's a situation of availability.

From what I was told there is effort going into making a better, like collection transport facility dockside in this one place. We may be where the effort is concentrated right now, so it would be

more just for my own personal curiosity, and I can pass the information on at this point. But if any other state has gotten requests for sand tiger permits or sandbars, if you wouldn't mind letting me know, I would be glad to put it together.

CHAIR BELL: I can't see your name tag, because it's a glare. Oh yes, Mr. Gillingham, I got you.

MR. LEWIS GILLINGHAM: Now I'm a little bit confused. Unless I'm mistaken, in our management plan each state has the authority, through their commissioner to issue a collection permit, for some of the prohibited sharks. You're not required to, but they can't possess them unless they have this collection permit.

Usually, it's a gear thing. They are using a type of gear that they can't legally do in state waters. Once they collect that fish, wherever it goes, we're responsible to track that fish for its life. When it dies, they are supposed to let us know. We require they submit annual reports on the status of the shark.

A lot of them will keep them for a couple years, they get too big, and we send them off to New York, where it seems like the feeding is better. I don't understand the problem, and yes, it's been a couple years since I got, it sounds like that typical request that you got, John. It's an enormous number of fish that are going overseas.

We couldn't possibly track. We couldn't comply with the plan we're supposed to comply with. It's pretty simple. Probably it was a fishing operation and fishing was good in Delaware. I don't think if they are only fishing in state waters, they wouldn't need any HMS permit. Please, tell me I'm incorrect or correct, and we'll change how we're handling these things. We haven't gotten many requests recently. There are a couple of state aquariums that have, in fact there is only one this year that has got a collection permit. I do know other aquariums within the state. They are getting sharks through a federal permit. Oftentimes VIMS has one to fish outside state waters, and they've probably prearranged that. But that doesn't require our monitoring. I'll stop here.

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CHAIR BELL: Any other questions on this? I want to make sure we get Eric Reid's Other Business. Erika, do you want to weigh in on this real quick?

MS. BURGESS: John, I remember you bringing this up before, and I think one of your concerns was you might approve one collection and then more would come to you, more would come to you. In Florida we have a robust special activity license program that includes collections for display and educational purposes.

Our strategy that we use is we issue those permits twice a year, and there is a deadline by which everyone must submit their request. Then we prioritize the request based on whether they are going to remain in state, then by the U.S. and then internationally. That might be a process that addresses some of your concerns, if you're interested in talking to me more about it. I can get you connected with the folks who run that program.

CHAIR BELL: All right, thanks, Erika. In interest of time, we can talk afterwards or whatever, if you want to have more discussions with John or any ideas. I think it's a good discussion, we got it on the record. Eric Reid had something he wanted to discuss. We've got about 15 minutes, and then we have a hard stop. I don't want to get something thrown at me by the Chairman. Eric, if you want to go ahead and start us off.

#### **SMOOTH DOGFISH QUALITY IMPROVEMENT**

MR. REID: Yes, thank you, Mr. Chair. You mentioned some kind of gelled shark salad, and I don't want to add to your aspic at this point in the day. It's about smooth dogfish, whatever you call them, *Mustelus Canis*. There are some handling prohibitions for small amounts of sharks, that particular shark. I can't remember exactly what they were, which is another reason I want to address this.

If you get smooth dogfish, my cooler (well my former cooler) is about half the size of this building. If there were five sharks in a carton that

weren't handled properly by Chris Batsavage, I could smell them from here. But, if those fish are handled properly at sea, meaning H and G, leave fins off of course, H and G and put in a slush tote, they are worth pretty good money now.

The last vessel price I saw, which wasn't too long ago, a week or so ago, they were worth \$2.00, \$2.50 a pound. But with the restriction, I would like to revisit that at some point. It's all about producing a quality product to improve the marketability of that particular fish in reasonably small quantities, so that's my request.

I don't know if anybody else in southern New England has that same issue. But if they are handled properly, they can be worth something. I think the way things are now for the fishermen, every pound of fish that they catch is valuable to them. That is my request, thank you, Mr. Chair.

CHAIR BELL: Thanks, Eric, any comments or observations similar? Dan.

MR. DANIEL McKIERNAN: Yes, we had a public hearing last week up in Massachusetts on summer flounder, and I got a similar request from a participating vessel owner that they would like to see the trip limits increase, you know just a few more hundred pounds, because there is an increased value.

CHAIR BELL: I wonder if that is a New England thing or that is actually even beyond, because I've heard, particularly with issues with fins, not being able to deal with fins, that those larger sharks are not as popular and there is more interest in the smaller shark products. Maybe some effort in general is shifting over to that. I don't know, or demand for product. Thanks for bringing that up. It's good observations. Any other comments? I don't see any. Any other business to come before the Shark Board this afternoon? Toni.

MS. KERNS: Back to, so smoothhound sharks or smooth dogfish. The states have quotas. I do not believe the Commission sets any trip limits for them. It's the state that manages their own quota.

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CHAIR BELL: Does that make sense, Eric?

MR. REID: Oh yes, it makes perfect sense. I think that's Dan's issue. My issue is I want to improve the quality so you can get money for them, and I'm pretty sure we had a conversation about how many. There was a threshold, X amount of pounds versus what you had onboard, in order to dress those sharks at sea.

I would like to address that particular issue, because I think it's anti-productive. I mean like I said, if you don't take care of them, they have a very unique smell from a very long way away. I'll just leave it at that, but you can make something out of nothing if you can take care of them.

MS. KERNS: Are you asking to make a change to the Commission's provision? Do you want staff to pull together a white paper? It has to be 25 percent by weight at the time of landing to dress, I believe.

MR. REID: If I could make a motion right now and change it in the next three minutes, I would be a total winner. But I don't think that is appropriate. I don't really want a white paper. I don't need a white paper. I need to sell fish for money. If it takes a white paper, so be it. But I just think that I think it's important. Like I said, every pound counts now. However, you want to handle it, Ms. Kerns, that is fine with me. But easier is better for me.

MS. KERNS: I'm just trying to figure out what you want staff to do. You would need to change the provision of the addendum, so we would need to do another addendum. In order to, are you initiating a new addendum, are you asking staff to come back with some review of something of that dressed weight?

MR. REID: Let's talk about it over cocktails, because I don't want to talk about it now. It shouldn't be that complicated to improve the marketability of anything. But if that is what it's

going to take then well, let me think about it. But that is my intent is to get something done.

CHAIR BELL: Yes, and I think from a staff perspective, they are just trying to make sure we're responsive to what your request is. Maybe that would be a good idea to just kind of talk it over a little bit more and work through some details or something, at this point.

MR. REID: It turns out I already have some offers to work with me on how we're going to make this happen.

CHAIR BELL: Okay, way to go.

MS. BREWSTER-GEISZ: Thanks for that. If I remember correctly, this Board matched our federal regulations, and we implemented those percentages based on the Shark Conservation Act. That Shark Conservation Act requires fins be naturally attached, but then had a very specific exception for smooth dogfish. The percentages this Board have matches our Amendment 9, in terms of the federal and the state percentages for the fins. We would have to go through a whole rulemaking to change that, and we would have to find some way of making sure. I'm sorry, I'll stop.

CHAIR BELL: No, it's a legitimate point you brought up. It's just a little bit, perhaps more complex than we might have imagined. I think we can have some offline conversation about maybe where to go.

#### **ADJOURNMENT**

CHAIR BELL: Okay, anything else to come before the Shark Board today? Thank you, Eric, for that. Seeing no hands; is there a motion to adjourn? Yes, John Clark, second from Jim Gilmore. Any objection? No, we're adjourned then, thank you very much.

(Whereupon the meeting adjourned at 5:05 p.m. on Tuesday, May 2, 2023)