

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

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

May 2, 2024

Approved May 5, 2026

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of Proceedings of October 17, 2023** by consent (Page 1).
3. **Move to set the state waters commercial and recreational possession limit for oceanic whitetip sharks to zero, effective immediately** (Page 7). Motion by Roy Miller; second by Chris Batsavage. Motion approved by unanimous consent (Page 8).
4. **Main Motion**
Move to initiate an addendum to change the species group for oceanic whitetip sharks to the prohibited species group (Page 8). Motion by Chris Batsavage; second by Jason McNamee. Motion substituted.

Motion to Substitute
Move to substitute to move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action (Page 9). Motion by John Clark; second by Nichola Meserve.

Main Motion as Substituted
Move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action. Motion carries by unanimous consent (Page 10).
5. **Move to adjourn** by consent (Page 10).

ATTENDANCE

Board Members

Nichola Meserve, MA, proxy for D. McKiernan (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Michael Luisi, MD, proxy for L. Fegley (AA)
Jason McNamee (AA)	Lewis Gillingham, VA, proxy for J. Green (AA)
Justin Davis, CT (AA)	Chris Batsavage, NC, proxy for K. Rawls (AA)
Bill Hyatt, CT (GA)	Chad Thomas, NC, proxy for Rep. Wray (LA)
Jessie Hornstein, NY, proxy for M. Gary (AA)	Chris McDonough, SC, proxy for B. Keppler (AA)
Emerson Hasbrouck, NY (GA)	Ben Dyar, SC, proxy for Sen. Cromer (LA)
Amy Karlnosky, NY, proxy for Assy. Thiele (LA)	Doug Haymans, GA (AA)
Joe Cimino, NJ (AA)	Spud Woodward, GA (GA)
Jeff Kaelin, NJ (GA)	Jeffery Renchen, FL, proxy for J. McCawley (AA)
Adam Nowalksy, NJ, proxy for Sen. Gopal (LA)	Gary Jennings, FL, (GA)
John Clark, DE (AA)	Karyl Brewster-Geisz, NMFS
Roy Miller, DE (GA)	

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

Ex-Officio Members

Angel Willey, Technical Committee Chair	Michael Thomas, Law Enforcement Representative
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Staff

Bob Beal	Caitlin Starks	Katie Drew
Toni Kerns	Jeff Kipp	Jainita Patel
Tina Berger	Tracy Bauer	Emilie Franke
Madeline Musante	James Boyle	Chelsea Tuohy

Guests

Auva Amirmokri, Sharks	Sonja Fordhaun, Sharks	Jill Ramsey, VMRC
Advocates International	Advocates International	Bailey Roberatory, Chesapeake
Max Appelman, NOAA	Anthony Friedrich, ASGA	Research Consortium
Alan Bianchi, NC DMF	Marty Gary, NY (AA)	Chris Scott, NYS DEC
Colleen Bouffard, CT DEEP	Matthew Gates	Somers Smott, VMRC
Jeffrey Brust, NJ DFW	Hannah Hart, MAFMC	Renee St. Amand, CT DEEP
Scott Curatolo-Wagemann,	Kris Kuhn, PFBC	Kristen Thiebault, MA DMF
Cornell Cooperative Extension of	John Maniscalco, NYS DEC	Christina Vaeth
Suffolk County	Joshua McGilly, VMRC	Kelly Whitmore, MA DMF
Becky Curtis, NOAA	Daniel McKiernan	Travis Williams, NC DEQ
Guy DuBeck, NOAA	Brandon Muffley, MAFMC	Chris Wright, NOAA
Julie Evans	Allison Murphy, NOAA	Daniel Zapf, NC DEQ

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, via hybrid meeting, in-person and webinar; Thursday, May 2, 2024, and was called to order at 8:00 a.m. by Chair Michael Luisi.

CALL TO ORDER

CHAIR MICHAEL LUISI: Good morning, everybody. I would like to call to order this meeting of the Atlantic States Marine Fisheries Commission's Coastal Sharks Management Board. My name is Mike Luisi; I am the Vice-Chair of the Board. Erika Burgess, the Administrative Commissioner from Florida was unable to make today's meeting, so I'll be sitting in for Erika.

APPROVAL OF AGENDA

CHAIR LUISI: We have a couple of items on the agenda, but before we get to that I would like to start with Board consent and the Approval of the Agenda. Are there any modifications or changes, suggestions for the agenda? Seeing none in the room are there any hands? Seeing none; the agenda is approved by consent.

APPROVAL OF PROCEEDINGS

CHAIR LUISI: Moving on to the proceedings from the October, 2023 meeting of the Board. Are there any modifications to the proceedings? Seeing none; we will consider the proceedings approved by consent.

PUBLIC COMMENT

CHAIR LUISI: Moving on to Public Comment. Is there anyone in the public that would like to provide comment on items that are not on today's agenda? I don't see anyone in the room, no one online.

PROGRESS UPDATE ON ONGOING HIGHLY MIGRATORY SPECIES FISHERY MANAGEMENT PLAN ACTIONS

CHAIR LUISI: We'll go ahead and move to Item Number 4 on the agenda, which is a Progress Update on the Ongoing Highly Migratory Species Fishery Management Plan Action. We have Karyl Brewster-Geisz with us today to provide us a presentation. Karyl is with the Atlantic Highly Migratory Species Management Division of NOAA Fisheries. Karyl, whenever you're ready.

MS. KARYL BREWSTER-GEISZ: Good morning, everybody, it's good to see everyone again. As Mike mentioned, I'm Karyl Brewster-Geisz; I work with the Highly Migratory Species Management Division in NOAA Fisheries. I'm going to give you a quick run down of what we've been doing in the last year or so regarding sharks.

There are a couple actions that we completed recently that I'll touch on, and then a lot of upcoming actions. First the completed ones. I think you all know that last December or November we published our 2024 Shark Specifications that set the commercial quotas, opening dates and retention limits for 2024. Right now, all of our fisheries are open, large coastal sharks are at the maximum, and now a default retention limit of 55 sharks. One thing we haven't really touched on is the fact that in this rule we changed how we do the annual specs. This coming fall we won't have a proposed rule out, and we won't be implementing a final rule come November. Instead, what we will be doing is once we have the underharvest amount, we'll be doing a final rule to adjust the baseline quotas, based on the underharvest. That won't happen until early 2025. The retention limit will start at 55 sharks.

The fisheries will open automatically at baseline quotas on January 1, and then at some point we will adjust those baseline quotas. We haven't really talked about that as a Board, so I wanted to make sure all of you are aware of that, because it might change how we do things in the fall. Earlier this year we also finalized the rule that puts oceanic whitetip on the prohibited species list.

It also puts hammerhead sharks as no retention in the Caribbean Region, which doesn't affect this Board, but in case you were wondering. The purpose of this was to be responsive to two biological opinions, and to reduce the mortality of oceanic whitetip sharks, which as you all know are listed as threatened under the Endangered Species Act.

In federal waters oceanic whitetip sharks are now on the prohibited species list. I know an action later on today we will be talking about this in more detail. But I also wanted to let you know that currently, even though they are threatened under ESA, their take is not prohibited. NOAA Fisheries and the Office of Protected Resources are considering putting out a proposed rule that would make take of oceanic whitetip prohibited.

At the moment there are still those loopholes in state waters, which is why we want to have discussion of the action later on. It is possible those loopholes might be closed if NOAA Fisheries does propose it and then finalize it, but that could be several years down the road. Moving on to upcoming actions.

If you remember last summer, a lot of you who are part of the councils but also here, I did a lot of presentations talking about the number of upcoming actions. One of those was Amendment 15, which has to do with changing a lot of our spatial management areas. The main area that is of interest to this Board would be our Mid-Atlantic shark bottom longline closed area off of North Carolina.

We had proposed extending that out, making it a little bit bigger, and then also shifting the timing from January through July to November through May 31st of every year. That timing shift was to be responsive to the fact that the sharks have actually shifted and arrive in that area earlier, and leave earlier as well.

We had a number of public comments throughout the whole final amendment for

Draft Amendment 15. For this area there were a lot of concerns about impacts on Council managed fisheries, if we extended out the time period, and a lot of commenters noted that there is very low effort in the bottom longline fishery for sharks right now.

We are working on the final Environmental Impact Statement, and that should be out very shortly. The Final Rule will then follow on that final Environmental Impact Statement, and will be out this summer. Moving on. Another action that I talked about last summer to this Board was our advanced notice of proposed rulemaking for electronic reporting. This was an action where we were looking for comments on moving forward to have everybody report electronically, and bring this in line with one stop reporting, and a lot of other electronic reporting requirements across the Agency and a number of states.

Everybody would be reporting their HMS through all the different paths, along with commercial fishermen using electronic logbooks instead of paper logbooks. We received a number of comments, both written and in person and over webinars, including from the Councils and the Advisory Panel.

A lot of people supported the intent of this rulemaking to match the electronic one stop reporting across the Agency. They did want clear rationale for any changes in the reporting requirements, and how the data will be used. They called for more equitable reporting requirements across all the sectors, so not just commercial and recreational, but those of you who fish for bluefin know we have different commercial categories for bluefins requiring the same sort of reporting across the board.

A lot of people wanted us to collaborate with our partners, which we have been doing and we will continue to do. Then also, encouraging consideration of how the new data streams would be calibrated with existing data and time series. We have reviewed all those comments, and we are

currently working on a proposed rule that you should see later this summer.

Draft Amendment 16 and the Proposed Rule. Amendment 16 is our amendment that would implement new quotas for all of our shark species. These would be not only commercial quotas, but also recreational quotas, and it would fully implement all the measures in Amendment 14. If you remember, Amendment 14 we finalized, set up a tier structure for how we would set up the ACL across the board and also removed the connections between some of our quotas.

We received a lot of comments, more than we did for e-reporting on scoping for Amendment 16. Generally, there was a lot of support for Amendment 16. A lot of the councils wanted more flexibility in shark management, and supported measures that would increase opportunities for harvest, because as you know right now, we are not coming anywhere close to any of our quotas.

There is very little shark effort, so a lot of people were supportive of doing that. But there were also a lot of people who had concerns about potential lifting of restrictions on sharks, noting that we have been working for 30 years now at rebuilding shark species, and the idea that we would just lift restrictions could put us back into that overfished/overfishing state. There were also concerns across the board about how large Amendment 16 could end up being, and that we really need to bring it down in scope somehow.

We are considering all of those comments. We will probably not release Amendment 16 for a little while yet. We are waiting for the completion of SEDAR 77 Hammerhead Assessment, which I will talk about in a couple slides. But in the meantime, we are considering ways to maybe break out a few items and do a smaller rulemaking or maybe two rulemakings before we get to the larger Amendment 16.

We've added another amendment to our list. This has to do with Essential Fish Habitat. We just released the final five-year review for Essential Fish Habitat, and that provided a new look at some of our essential fish habitat descriptions, and we found that it is warranted to do another amendment, and that might have some impact on a few shark species. That is coming, but we don't have a good timeline for that yet.

Atlantic blacknose shark, currently Atlantic blacknose shark, along with shortfin mako, which I'm not going to talk about right now, is the only shark that is experiencing overfishing. If you remember in Amendment 14, finalized back in 2023, we revised our status determination criteria, which would allow us to compare the overfishing limit to where we are now, in terms of landings and catch on a three-year rolling average, and determine whether or not the species is still experiencing overfishing.

We are busy working on that for blacknose shark. It is our first time going through it. Optimistically, we'll know whether or not we're going to change the status in June. Realistically, it might take longer than that as we go through the process, but we will certainly let you know if we determine Atlantic blacknose sharks are no longer experiencing overfishing.

On that note, moving into the stock assessments. We are currently assessing hammerhead sharks, so that is scalloped hammerhead, which is then combined with the Carolina hammerhead, smooth hammerhead and great hammerhead. This is being done through SEDAR. It was our first research track assessment, which means the assessment scientists go through and figure out the appropriate models, and look at all the data.

But they don't actually run the models for management use. They released the final report earlier this year for the research part of it. The preliminary results are pretty positive. Scalloped and Carolina hammerhead were not overfished, not experiencing overfishing. Smooth hammerhead, because there is so little data available, they are not

able to determine overfished status, but based on the model they used, they came up with not experiencing overfishing, and then great hammerhead was overfished not experiencing overfishing.

Those were the preliminary results from the research part. We now need to go through an operational assessment, which will actually fully come up with the stock assessment results. That is expected to be done later this year, probably December, and at that point we would start working on Amendment 16.

After we're done with the hammerhead sharks, we have decided we will work on bull sharks and sandbar sharks. Hopefully that will make some people happy, it's been a little while and it is definitely overdo for sandbar, and we've never done one for bull. That is pretty much it. This is just a summary of some of the actions and relevant dates. You can find more information on our web page, where the link is at the bottom.

There are a couple more things that I thought the Board might be interested in, and that was what happened at the International Commission for the Conservation of Atlantic Tunas. They had a recommendation that would prohibit whale sharks from being landed. As you all know, we already have whale sharks on the prohibited species list, but we're not going to be doing anything. But across the Atlantic they should be prohibited now as well.

Then also, ICCAT has a recommendation regarding mobulid rays. HMS does not manage mobulid rays, but this Board might be interested in knowing about what ICCAT is doing, and maybe taking action there. Lastly, mako sharks. As you all know, we have a zero-retention limit on mako sharks, so do all of you. There have been a lot of rumors on the dock that people can now land mako sharks.

Everybody was expecting the ICCAT measure to just be in place for two years. It was actually in

place for at least two years, and until ICCAT takes additional measures. ICCAT did not do anything about it this year, so it remains zero. While we have sent out reminders to people, those rumors persist. It would be helpful if some of you could get out notice as well, reminding people that mako sharks have a zero retention at this point. That's it from me, if there are questions, I'm here.

CHAIR LUISI: Yes, thanks, Karyl. Okay, so there is a lot of information in Karyl's presentation, and thank you for the presentation. Let me look around the table to see if anyone has any questions for Karyl. Yes, John Clark.

MR. JOHN CLARK: Thaks for the presentation, Karyl. Any timeline as to when the sandbar shark assessment might take place, and any plans for a sand tiger assessment for obvious reasons?

MS. BREWSTER-GEISZ: Thank you for that, so with sandbar we have not yet tried to figure out the timing. We need hammerhead to finish, which is going to be December, and then we will work on the timing for bull and sandbar this coming summer. We are expecting both bull and sandbar to be fully complete within two years. As you know that can shift. We don't know whether we'll do them together or separately one after another. I would say at least two years from the start of 2025, and sand tiger, no we have not yet started thinking about that one.

CHAIR LUISI: Any other questions for Karyl? Any comments? Is there anyone online, Tina? Seeing no one on line, I'll ask the audience, does anyone have any comments or questions? Seeing none at this time, there is no action needed. This was nothing more than an update, but we appreciate Karyl.

Karyl, we appreciate your being here with us, to help us navigate the challenges or the extent of the changes that are being planned from the HMS group.

CONSIDER IMPLEMENTING COMPLEMENTARY STATE WATERS MEASURES TO PROHIBIT RETENTION OF OCEANIC WHITETIP SHARKS

CHAIR LUISI: Let's go ahead and turn our attention to the last item on today's agenda, which is the Consideration for Implementing Complementary State Waters Measures to Prohibit the Retention of Oceanic Whitetip sharks. We have Caitlin Starks, FMP Coordinator with the Commission. Caitlin, I'll turn things over to you.

MS. CAITLIN STARKS: I'm just going to talk the Board through the potential action that can be taken to come in line with what NOAA Fisheries has done for whitetip shark. As Karyl just mentioned in her presentation, NOAA published a final rule, which prohibits the retention of oceanic whitetip sharks in all U.S. waters of the Atlantic, Gulf of Mexico and Caribbean, on January 3rd this year, and that became effective February 2nd of this year.

As we heard, this is responding to the biological opinion and the listing of oceanic whitetip as threatened under the Endangered Species Act. In the Commission's FMP, oceanic whitetip is in the pelagic species group. The specifications for the pelagic group for 2024 include no regional quotas, no possession limit, and an annual quota for all pelagics, other than poor beagle or blue shark, of 488 metric tons dressed weight. In Addendum V, our regulations allow the Board to consider adjusting the following management measures via Board action, along with a bunch of others. But recreational and commercial possession limits are on that list of things that can be adjusted via Board action.

Changing the commercial quota possession limit midseason start dates can be modified during the season by the Board through a two-thirds majority vote. For the Board's consideration there are several options that the Board can think about for making our FMP complementary to NOAA's regulations, and that would be changing the possession limits to zero via Board

action for the commercial and recreational fisheries, and that could be effective immediately or any time this Board sets.

Then the second option would be changing the species group of oceanic whitetips to the prohibited group via an addendum, so that would take a little bit more time to complete. Then third, the Board could do both of these things, either start both now or do one now and one later. Those are the three paths that the Board can consider today.

CHAIR LUISI: Great, thank you, Caitlin. I'll ask the first question, as far as timing. With what you just had up on the screen, there is no set time for when we have to have these measures in place, it's just we need to get it done to be complementary. Questions for Caitlin. John Clark.

MR. CLARK: Caitlin, what would be, if we set the possession limit to zero via vote today, why would we then go to an addendum? What would be the purpose?

MS. STARKS: It would just make that more permanent, in terms of the possession limit not being able to be changed from zero as easily. It would have to go through an addendum to change it, if you were to put it on the prohibited species group.

MR. CLARK: Sounds like it's just, I mean I get it, but it seems like it is extra work that is not really necessary.

CHAIR LUISI: Yes, John, I think it's just some states have asked me whether or not we can make those changes. Some states need a Board action in order to facilitate the change. Not every state has the same flexibility in establishing those limits, they need an action by the Board. As Caitlin mentioned, you know we could do both.

We could set the retention limit for those states that could implement that retention limit immediately, following this meeting we could go back and work on that and then consider the longer-term plan to shift oceanic whitetips into the

prohibited list. Just a couple thoughts. Chris Batsavage.

MR. CHRIS BATSAVAGE: This might be a question for Karyl, but since oceanic whitetip sharks are listed as threatened, and will eventually no possession will be part of that. There is really no path forward for the possession of oceanic whitetips anytime soon, right? I mean things don't come off the endangered species list very easily. Just trying to get an understanding if we looked at the second option of how permanent will they be on the prohibited list, at least under ESA and HMS.

CHAIR LUISI: Karyl.

MS. BREWSTER-GEISZ: As I mentioned, right now take is allowed of oceanic whitetips. If somebody in state waters were to catch an oceanic whitetip, who did not have an HMS federal permit, they could land that oceanic whitetip shark, and that will be true for the time being. NOAA Fisheries would need to issue a proposed and then final rule to stop that take. At the moment we have not yet issued a proposed rule, we're still working and considering that option. At the moment there is still that loophole within state waters, where oceanic whitetip sharks could be landed.

CHAIR LUISI: Good, Chris, okay, Roy Miller.

MR. ROY W. MILLER: I gather you are looking for a motion to change the possession limit in state waters for oceanic whitetips to zero to get that. Changing the species group to prohibited, again I don't quite understand the nuance and the difference. I presume that would be adding it to the group that includes white sharks and all that long list of prohibited sharks. I'm not sure what additional that gets us, but I would certainly be willing to offer a motion to change the possession limit to zero.

CHAIR LUISI: Okay, I'll come back to you, Roy. I think we're trying to, so federally the oceanic

whitewtip is moved to the prohibited list. To be complementary to that and to mimic that, we could have the same effect by establishing the zero-retention limit. However, unless we move the species to the other group, it's going to be a bit misaligned.

Caitlin did though just mention to me just another food for thought. If we were to take action today immediately, and set those retention limits to zero, we could hold off on moving the species until another addendum is started somewhere else, and it could be just a part of another addendum, to officially shift that species into the prohibited group. Just another thing to think about, depending on your workload back home and staff workload with the Commission. Toni.

MS. KEARNS: I think a question to the Board is, if the Board just did a motion today to move it to zero, and either effective immediately or by such time that all states could actually get that measure in place, can everybody do that? Does that get everybody to changing their regulation to zero, or does somebody need an addendum in order to move you to zero down the line?

CHAIR LUISI: Yes, I think that is pretty clear. Are there any states, I'll ask directly to the state representatives around the table. Are there any states that would not be able to take an action unless an addendum were initiated and finalized? Okay, Doug.

MR. DOUG HAYMANS: Under normal circumstances that would be the case for us, but for some reason we're ahead of the pack, and we've already prohibited it. At this instance I don't need to.

CHAIR LUISI: Well, look at you! You could have stayed in bed 'til nine o'clock today. All right, seeing no other hands, let me ask Caitlin if there is anyone online. Okay, no one on line. Let's come back to Roy. Go ahead, Roy.

MR. MILLER: I will offer a motion to set the possession limit to zero for oceanic whitetip sharks in state waters.

CHAIR LUISI: Supply a little more, read the one up there.

MR. MILLER: Yes, **move to set the state waters commercial and recreational possession limit for oceanic whitetip sharks to zero, effective immediately.** Thank you.

CHAIR LUISI: Thank you, Roy, we have a motion made on behalf of Roy Miller, seconded by Chris Batsavage. Roy, did you want to offer any rationale?

MR. MILLER: No, we're just complying with the federal action.

CHAIR LUISI: Chris.

MR. BATSAVAGE: No, I think this just closes any loop holes on the regulations, the prohibited harvest in federal waters.

CHAIR LUISI: Any comments on the motion and discussion. Jeffrey.

MR. JEFFREY BRUST: Yes, more just a question on just the timing of this. Based on our schedule, you know we wouldn't be able to get this in effect until more like spring, 2025. I just want to make sure that is in line with what other states to be in compliance with this.

CHAIR LUISI: Bob Beal.

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think what effective immediately means in this case is really, a state should start working through their state administrative process to get these regulations in place. We know it's not immediately. Just because it happens here doesn't mean it's law in a state, by any means. The states implement laws.

I think, or we all know that the state timelines are all different for every state, and the Board will review compliance, but if states are working toward that, I think they usually give a lot of deference to the states as they work through that process. I think it's just the states are encouraged or required here to go home and start working through their process.

CHAIR LUISI: That makes sense, thanks, Bob. Any other comments? John.

MR. CLARK: Do we need to put anything on record, the idea that Caitlin came up with, with adding these to the prohibited list, once we do a new addendum would be I think worth doing next time, if there is something else that needs to be done with the shark FMP.

CHAIR LUISI: Yes, I think we can dispense with this motion and then put a comment on the record about the Board's intent in moving forward at some point. Seeing no other hands; I'm going to turn to the audience for any comment regarding the motion. Sonja. It's been a long time since I've been part of the HMS Group, but it's nice to see you, Sonja.

MS. SONJA FORDHAM: Sonja Fordham; Shark Advocates International. I appreciate this opportunity to come here and express very strong support for a state complementary action to prohibit retention of oceanic whitetip sharks. I think the rationale for the action and the fact that they are listed under the ESA has been covered quite well. I just want to add and emphasize that this is a species of global concern for the conservation community. IUCN categorizes as globally critically endangered.

It is the only shark that all of the four major tuna RFMOs have made prohibited. It has been listed on the Convention on International Trade and Endangered Species for more than a decade, and more recently that listed under the appendices that mandates strict protection under the conventional migratory species, and the specially protected areas

and wildlife protocol under the Cartagena Convention for the Caribbean.

A lot of attention, but none of these treaties is perfect. All of them face significant implementation challenges, and in fact we're still seeing a significant amount of oceanic whitetip fins in the Hong Kong fin markets, so still have some work to do. I think although this is not a very coastal species, this action closing loop holes, ensuring that the United States has a comprehensive policy for this species is really quite important for this body.

It will also help the U.S. sort of strengthen the policy stance, so that the U.S. can continue to work to strengthen protective policies on the international stage around the world. In terms of preferences for the actions specifically. I would like to actually, as you might imagine, see you take both actions.

I'll just note that adding the species to the prohibited list as soon as possible, I think is important to ensure that this species gets long term protection that it clearly needs, and I also think doing both actions reflects the severity of the situation, and sends the proper message to the public. Thanks very much.

CHAIR LUISI: Thank you, Sonja, is there anyone else from the audience that would like to provide any comment on the motion? Seeing none; is there anyone online? No hands currently online. Does the Board need time to caucus on this one? Seeing none; **is there any objection to this motion? Seeing no objection, no objections online, any abstentions? Seeing none the motion carries by unanimous consent.** Okay, to the matter of the addendum, does anyone have any interest in making a motion to consider moving into the addendum process to move the sharks to the other group at this time? Chris.

MR. BATSAVAGE: We'll give it a shot. **Move to initiate an addendum to change the species**

group for oceanic whitetip sharks to the prohibited species group.

CHAIR LUISI: Thanks, Chris, do I have a second? Jason McNamee second. Chris.

MR. BATSAVAGE: I mean whether we do it now or do it later, I think it's going to end up on the prohibited list for this FMP, so it makes sense while we're talking about it today to go ahead and initiate the addendum, understanding work time, it may not get to it immediately, but at least have it there.

I guess we could wait for other coastal sharks' issues to come up and kind of bundle those together in one addendum. I'm not sure what else we could possibly be doing, other than maybe updating the de minimis status for the FMP, which if there was a thought of doing that, we could do that do in this. But yes, just a thought. Might as well go ahead and get this addendum started now, as opposed to waiting.

CHAIR LUISI: There is a lot of talking going on over to my right. I don't want to get in trouble, I wasn't even supposed to be up here today. Last thing I want to do is get in trouble, but I'm being told that I think we're good to go if you're okay with this. Nichola.

MS. NICHOLA MESERVE: I'm just going to speak in favor of waiting to bundle this with other actions, in recognition of staff workload and higher priority issues given that we've already taken an action that has the same effect in the short term.

CHAIR LUISI: Thanks, Nichola. Adam Nowalsky, and then Jeffrey I'll come to you.

MR. ADAM NOWALSKY: Given the comments about at least some desire around the table to delay this, what would staff's preferred way forward be if our intent was to bundle this with a future motion? Would the intent be to see this voted down today, or would the preferred way forward be to postpone this motion until say, the initiation of the next coastal shark's addendum? At least then we have it in the hopper, it will automatically come up. We're

kind of getting it started that way, but it's kind of got a place holder. What would staff's preference be?

CHAIR LUISI: I would say staff were probably hoping that Chris was getting some doughnuts while I ask that question. But I'm going to let Toni or Caitlin or Bob iron this one out. Toni.

MS. KEARNS: If it's the Board's desire to wait until we just do an action later, then I would substitute this motion to say, move to include oceanic whitetips in the next addendum action or amendment action by the management board. I can't just say action to do stuff in this board here, so that is what I would do if that is your intention.

CHAIR LUISI: Yes, I think that is a better message than voting down something that we ultimately would like to follow up with. Roy Miller.

MR. MILLER: Mr. Chair, it is unclear to me what that next action might be on our part, because our annual specifications for complying with federal limits on sharks we don't do by addendum, as I recall. That is a Board action. What would constitute the next likely time? Maybe Karyl has an idea on another species on the horizon that we would contemplate this action for. Is there a way forward, or is it all very vague at this point in time?

CHAIR LUISI: Caitin.

MS. STARKS: As Karyl discussed earlier, NOAA is still working on Amendment 16, and I believe that there is a chance that within the wide range of things being considered under that addendum, we might have to do something to respond to be complementary at the Commission, so that is one thing that may happen in the somewhat near-ish future.

CHAIR LUISI: Jeffrey.

MR. BRUST: Yes, just thinking about when we did previous actions for shortfin mako. Did we

ever move that to the prohibited species list? I think we just made that zero retention and left it at there, so this seems like this would be a similar action, just to do that and kind of save work and just be intentional like shortfin mako.

CHAIR LUISI: Toni.

MS. KEARNS: I think the Board's rationale was that there are very few of these species in state waters, and moving them to zero was satisfactory to the Board at that time, when we talked about Makos. I assume that that is the same feeling here today.

CHAIR LUISI: Any other comments? Seeing no comments, and with the suggestions that were made by staff, and seeing no interest in perhaps substituting at this time for this motion. Does the Board need a chance to caucus on this? Well, you just raised your hand then, John.

MR. CLARK: I **would like to substitute** what Toni said for this motion.

CHAIR LUISI: Okay, we'll draft something quickly, and then John, I'll have you read it into the record.

MR. CLARK: Does that look good?

CHAIR LUISI: Go ahead, John, you can read that for the record. I'll look for a second.

MR. CLARK: Thanks to my motion writers, **move to substitute to move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action.**

CHAIR LUISI: Okay, we have a motion by John Clark, seconded by Nichola Meserve. Discussion on that motion. Anyone online? Seeing no discussion, does the Board need a chance to caucus or an opportunity to caucus on this? Seeing none, **is there any objection to the motion to substitute? Seeing no objection, motion to substitute passes or carries unanimously, and becomes our main motion.**

We now have a new main motion which is property of the Board. The motion is **move to include oceanic whitetip on the prohibited species group in the next addendum or amendment action**. Is there any need for discussion? **Is there any objection? Seeing none, this motion carries by unanimous consent**. Is there anything else that needs to come before the Board at this time? John.

MR. CLARK: As long as Karyl is here, I just want to bring up another one of the weird things about Delaware. The Aquarium Permits for the sand tiger shark, Karyl. We received it and it looks like that that has already been cleared. Is there any consideration about those, like you said the sand tigers are not on the list yet for assessment.

Just because we are getting some pushback, as you know, from our local anglers, wondering why this group can profit off these things, these sand tigers. When I see where they are going, I get jealous of the travel, going to Italy, Dubai, Viet Nam, Portugal. You know as I said, I'm just curious as to whether each year this comes up, I get a lot of questions, and I say, well it's one population. Whether they take them in Delaware or they take them elsewhere.

It's still the same population of sand tigers, but some of them are saying well, the population hasn't been assessed, I mean decades now, right? It's prohibited species to recreational anglers, and yet you have this group that can take these. I'm just curious as to whether there is any look into other ways to handle this.

MS. BREWSTER-GEISZ: When we do Amendment 16, we will be taking a look at all of the quotas, and that includes quotas for display permits and exempted fishing permits.

MR. CLARK: Is there more sand tiger demand than just this kind of one group, or are there.

MS. BREWSTER-GEISZ: Yes, we issue sand tiger display permits to several aquariums, not just

that one group. These yes, while some of them go overseas, some of them also go to the Midwest or to the West Coast. It's not always international. Some of the aquariums target sand tigers and then use them in their own aquariums, and it's not just sand tigers that, as you know, are caught for display. But a lot of aquariums like sand tigers, they do well in aquariums.

ADJOURNMENT

CHAIR LUISI: That takes us to the last item on our agenda, which is Other Business. Is there any other business to come before the Coastal Sharks Management Board at this time? Seeing no hands, this meeting is adjourned.

(Whereupon the meeting adjourned at 8:45 a.m. on Thursday, May 2, 2024)