

# **SOUTH ATLANTIC FISHERY MANAGEMENT COUNCIL**

## **HIGHLY MIGRATORY SPECIES COMMITTEE**

**Marina Inn at Grande Dunes  
Myrtle Beach, SC**

**September 15, 2016**

### **SUMMARY MINUTES**

#### **Highly Migratory Species Committee:**

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Mark Brown

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Dr. Roy Crabtree  
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Dr. Kari MacLauchlin  
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#### **Observers/Participants:**

Steve Durkee  
Amy Dukes  
Nik Mehta  
Dr. Jack McGovern  
Jocelyn D'Ambrosio  
Leann Bosarge

Dewey Hemilright  
Erika Burgess  
Rick DeVitor  
Monica Smit-Brunello  
ASAC Jeff Radonski

Other observers attached

The Highly Migratory Species Committee of the South Atlantic Fishery Management Council convened at the Mariana Inn at Grande Dunes, Myrtle Beach, South Carolina, Thursday afternoon, September 15, 2016, and was called to order by Chairman Anna Beckwith.

MS. BECKWITH: The committee members are Zack, Chester, Mark, and myself. I am going to call this committee to order. We will begin with Adoption of the Agenda. Seeing no need to change the agenda, the agenda is approved. Even though it's not on the agenda I just approved, I'm going to go ahead and approve the minutes from the last time we met. Seeing no need for changes, I will adopt that set of minutes.

Today, we have Steve Durkee with us from HMS. I am going to brag on him a little bit, too. He happened to win the HMS Employee of the Year, and so he is going to be here with us today and do a presentation on the commercial retention limit for blacknose sharks and non-blacknose sharks as well as Amendment 10 for Essential Fish Habitat, and so I am going to turn it over to Steve.

MR. DURKEE: Thanks, Anna. Yes, my name is Steve Durkee. My colleague, Guy DuBeck, was supposed to present today. He got stuck with some flight problems, and so I drove up from Charleston today. I have learned the presentation at the back of the room real quickly, and so we'll see how this goes. Now that expectations are sufficiently low, let's go on into the Commercial Retention Limit for Blacknose Sharks and Small Coastal Sharks. This specifically addresses a request from this council to talk about these small coastal shark retention limits and blacknose shark retention limits. A quick outline, I will just go through the background and the alternatives and the request for comments.

The background, blacknose sharks were determined to be overfished with overfishing occurring back in 2007. We addressed that in Amendment 3 back in 2010, to establish a linkage between blacknose sharks and small coastal sharks. The reason is because, when fishermen are fishing for small coastal sharks in certain areas, it's common to catch blacknose sharks at the same time, and so allowing one fishery to be open and not the other wouldn't prevent fishing mortality on blacknose sharks. We also encouraged fishermen to avoid blacknose sharks and stated that if we didn't address the rebuilding needed for blacknose sharks that we would have to take additional measures in the future.

We reassessed blacknose sharks in 2011, this time splitting them into an Atlantic stock and a Gulf of Mexico stock. In that case, the Atlantic stock was found to still be overfished, with overfishing occurring. To address that, again, we went to Amendment 5a, which continued that quota linkage. Then, finally, with Amendment 6, we established two different regions in the South Atlantic for blacknose sharks, divided at 34 degrees North, and I believe that's around Wilmington or so.

What it is, it's anybody north of 34 degrees North cannot fish for or retain blacknose sharks. They're typically not in that area very often anyway, and then, south of that, we maintained a quota linkage between blacknose sharks and small coastal sharks.

The problem comes in is that there are some fishermen that are targeting blacknose sharks, and that blacknose shark quota is pretty small. When these fishermen are targeting blacknose sharks and catch that quota very quickly, it closes the small coastal shark quota as well before we reach that quota. That leaves some underutilized quota available that fishermen could be fishing on, which causes some issues.

With people directing effort on blacknose sharks as well, we end up resulting in some quota overages. When we get quota overages, that means we actually have to deduct some quota from some subsequent years, which then further reduces the capacity for the fishery in subsequent years. To address this problem, that's when we got a letter from you guys with some possible solutions.

Moving into the possible solutions, we have three alternatives. The first alternative is no-action alternative, not to do anything. The second alternative, I believe, was a specific request from this council, and that request was to keep everything as is, but, when the blacknose shark quota is reached, we actually introduce a small coastal shark retention limit for the rest of the season. Currently, there is no small coastal shark retention limit, and so the idea, I think, is this would actually landings of blacknose sharks after that quota has been reached.

The problem with this alternative is that blacknose sharks do continue to be caught within the small coastal shark fishery, and the result would be that we would actually have to take into account that bycatch mortality and deduct that from the blacknose shark commercial quota, and that would further reduce the blacknose shark commercial quota, which means the season would end even earlier, and so it just wasn't working out with the numbers when we ran everything.

We created a third alternative that I think kind of gets to the need of what the council spoke to us about and gets to the needs of the fishermen as well. In this case, we would implement a blacknose shark retention limit for each trip. We looked at having eight sharks, sixteen sharks, and fifty sharks, and we found that a retention limit of eight blacknose sharks per trip would allow that small coastal shark quota to be open until that quota is reached, potentially even most of the year, and this would allow both incidental and directed fishermen to continue to land small coastal sharks as they're fishing for their target species.

This timeline, we're getting pretty tight here at the end. It's about five days or so until the end of the comment period. We presented this to the HMS AP meeting last week, and we're presenting it to you all this week. Then here are the methods for getting public comments to us, but, of course, I will take comments here from the council as well. I have a presentation on Amendment 10 on EFH as well, but, before we get into that, perhaps we could entertain some questions.

MS. BECKWITH: Thank you, Steve. Are there any questions on this?

MR. HEMILRIGHT: Could you go back to your previous slide, please, the one with your preferred alternative? It's allowing for the retention limit of eight sharks per trip as a preferred alternative. With that being a directed fishery or something like that, because even though you're allowed to have that many sharks, you're still going to be catching the sharks, and would they be discarding them? That's only what you're allowed to retain, correct?

MR. DURKEE: That is correct.

MR. HEMILRIGHT: How are you accounting for the still catching of the shark?

MR. DURKEE: I believe it's based on the stock assessment, just the discard mortality and the post-release mortality of blacknose sharks and deducting that from the overall TAC and just making the numbers work and fit together, but you're absolutely right though. With a retention

limit of eight blacknose sharks, if you catch ten and all ten are dead, those are two dead discards that you're going to have. All that mortality though will fit underneath the TAC established in the stock assessment.

MR. HEMILRIGHT: As long as it fits, that's always good, however it works out.

MR. DURKEE: I don't have the numbers in front of me, and I'm told it does work out.

MS. BECKWITH: There is some additional slides, Dewey. If you guys keep going down, there is some information about vessels with directed incidental permits landing blacknose sharks. It talks about the number of vessels and number of trips and the weight of blacknose landings per trip, and so that's one piece of background information.

Then there's some additional slides I think that we looked at during HMS, where the number of trips per year for the Atlantic blacknose shark is based on the average landings per trip, and so there's that information that I believe they used, and there is some additional information on Alternative 2 in detail and Alternative 3 in detail. It's my understanding that that would be the move forward in its totality, that you guys would be permitting eight blacknose sharks per trip and there would be no trip limit for the small coastal sharks.

MR. DURKEE: Not under the directed permits. There could be one under the incidental permit, but I would have to check what that number actually would be, but, under the directed fishery, no, no small coastal shark retention limit.

MR. PHILLIPS: I'm on the committee, but I appreciate that. I still, when I go deliver fish to the fish houses in Brunswick, where they pack a lot of shrimp, they're pleading with me to please do something about these sharks, and a lot of it is blacktip. I've had shark fishermen that packed with me last year and again this year, and they tell me that they can stay away from those blacknose, because they generally seem to be on the beach, and they're still tearing up a lot of shrimp gear, but I know you all have to do what you have to do, but my fishermen seem to be able to stay away from them and target mostly the blacktip and stuff, but just being able to keep working on those sharks helps a lot, or at least the perception. Thank you.

MR. DURKEE: Absolutely, and I agree with you that the blacknose sharks -- Fishermen can avoid them. The problem we're having is that there are fishermen that are purposely targeting them and closing that fishery too early.

MR. HARTIG: On the slide you have up there now for 2014 and 2015, you see a significant increase in blacknose. Is that driven by the people who are targeting blacknose in those two years? When you get away from targeting, you're probably not going to have that kind of interaction, and so you're probably going to go back more to what you had prior to 2014 as an average weight, landings per trip.

MR. DURKEE: Yes, that is from targeting, I believe, and you are correct that once that targeting disappears that you're going to see --

MS. BECKWITH: Okay. Does this council have any additional comments to provide on this? Are we comfortable with the direction that HMS is moving forward with this?

DR. DUVAL: I was just going to express appreciation, and I'm not on the committee, to HMS for taking this under consideration and for providing an alternative that I think will solve the issue that we're trying to solve.

MR. HARTIG: Just we might send a letter of support for this. Again, I appreciate what HMS was able to do in accommodating our suggestions into this, and I am very thankful for it. Thanks.

MS. BECKWITH: Yes, I expressed my gratitude, when we were at the HMS meeting, of how seamlessly we were able to work with HMS when an issue came up from our fishermen, and so it's definitely a good relationship. Any last comments?

MS. BOSARGE: You will have to forgive me, because I don't know much about this, but I just wondered, just generally, the dead discards that are now going to come off of that overall TAC, how big is that? Is that half the TAC or what it is that's coming out of there now?

MR. DURKEE: I will have to get back to you on that number. I would imagine that it's probably somewhat large. That's typically gillnet landings, but I don't have the number in front of me. I don't know what the two proportions are. Half seems to me to be pretty high, but I just don't know.

MS. BECKWITH: Okay. Anyone else? Thank you for that presentation, and we can move towards the following one.

MR. DURKEE: All right. One more to muddle through here. This is Draft Amendment 10. This actually will amend our HMS FMP to update HMS EFH and to update and designate new HAPCs for HMS. This affects all of the Atlantic, Gulf of Mexico, and Caribbean, but I will try and focus just on what's going on in the South Atlantic Council's jurisdiction.

The presentation begins with just a lot of background on EFH, and that's mostly for the benefit of the public, to kind of give them an idea of what EFH is. I won't go into that too much. It will be in the slide packet you guys have available, but, essentially, it's just creating some maps that show where HMS essential fish habitat is, and so any kind of action that's happening with a federal nexus, whether it's a federal permit development or action that's funded by the federal government. We need to consult with the Office of Habitat Conservation to make sure that that action is not impacting EFH.

Now into the alternatives. Again, a simple no-action alternative is not to update EFH, and then a preferred alternative to update EFH. At the bottom of this slide is that way that we have proceeded with designating and updating HMS EFH. You will see there, in Box A, a bunch of point data. This is data that we collected from researchers and from surveys of the presence of HMS in different areas.

We then run that through a GIS and create a 95 percent volume contour, which spits out a Raster, on the second box, Box B, and then we convert that Raster into C, which is a polygon. What that does is that pretty much incorporates about 95 percent of the positive observations of HMS. That will be our EFH basis. That EFH is then further modified from any kind of research or scientific

insight into where the EFH for HMS should be, and you'll see how that kind of works out on some of these slides coming up.

Here is a real-world example from the Gulf of Mexico. This is bluefin tuna larvae, and you will see some positive observations of bluefin tuna larvae. We run that through our GIS and get a heat map of where those are occurring. You will see a bunch is in the Gulf of Mexico, with a little bit off of the Virginia/North Carolina border, and then some more up in the Northeast as well. We then convert these to polygons, to create the EFH. You will see that green EFH for bluefin tuna down in the Gulf of Mexico and some more off of North Carolina and Virginia and then again up in the Northeast. That's how we do EFH, and we have some updated EFH maps in that amendment, if you're interested in looking through it.

The second part of this amendment was to look at HAPCs. Again, I'm going to focus on the updated and new HAPCs in the South Atlantic Council regions. The first is you will see that little red box off of Cape Hatteras. That is the existing HAPC for sandbar sharks, and we have proposed to modify that slightly. You will see in that second box some of the yellow crosshatched area off of Hatteras, which is really difficult to see with EFH overlaid on top of it, but it's just a slight modification to that sandbar HAPC.

Another big one though is an area from Cape Canaveral to Jupiter Inlet in Florida. These are some lemon shark HAPC. This is an area that was a bit controversial this past year with some sport divers in that area that were seeing lemon sharks and were concerned about commercial fishing in that area. We looked into it and found some primary literature that found this was probably a potential lemon shark HAPC, and so we've chosen to designate that area as a HAPC. It's important to note though that this does not put any kind of fishing restrictions into place. It just says that this is an important area for lemon sharks.

I think that might cover all of the HAPCs in the South Atlantic region. Here is the timeline. The timeline is pretty extensive, to make sure we can actually coordinate with all the councils and the Atlantic States Commission, and so the comment period closes on December 22, if you have any kind of comments, but I'm actually happy to take comments here as well.

MS. BECKWITH: Thank you.

MS. BOSARGE: I think you kind of slid by that one slide because it's not a whole lot of South Atlantic, but I would like to see that slide one more time that showed the Keys and that HAPC. It's got the crossbars on it. It was where you showed the Florida Keys for lemon sharks. No, it's not that. You didn't have a zoomed-in one that you slid by real quick of the Keys? That's as close as you got right there?

MR. DURKEE: I believe so, yes.

MS. BOSARGE: All right.

MS. BECKWITH: Okay. Are there comments or questions?

MR. HARTIG: I'm not on the committee, but these HAPCs for lemon sharks, there is a number of other species of sharks that that area is critical to, bull sharks in particular, and have you guys looked at that as well?

MR. DURKEE: We looked at updated literature for bull sharks. We did not find anything that seemed to rise up to the level of HAPC, and I probably went through it a little bit too quickly. Here are just the four criteria for designating a HAPC.

It's the ecological function, the importance of the ecological function of the habitat, the extent to which it's sensitive to human-induced degradation, whether it's sensitive to development activities that could actually harm or stress that habitat type, and then, finally, the rarity of that habitat type. Going with these four criteria, that's how we decide if an area is elevated from an EFH up to a HAPC criteria.

MR. PHILLIPS: Not about the HAPC, but I was just going to ask if you could tell us when you're going to have some more assessments on like sandbar and blacknose, so we might know when the management might change on them.

I know some of the fishermen that have the experimental permits for the sandbar seem to be catching a lot of them and doing quite well. If they're doing well, we would hope that maybe there would be some relaxing, where the other fishermen that don't have those experimental permits could actually fish those sharks too, and so could you kind of tell us what's going on in the broader picture?

MR. DURKEE: Yes, absolutely. I'm sure you guys are aware -- You probably have the same problem we do, as far as stock assessments are a touchy subject. They're one of the most important things we have for federal management, and we can't get them out fast enough.

With the understanding that the sandbar sharks are one of the more important shark species though, we found some ways to squeeze some extra money and resources out, and I think we're going to try and push a sandbar assessment through next year. If not 2017, then 2018, but I believe it's next year. We're also going to look at Atlantic blacktip, which right now is an unknown stock status. That's the plan right now. We don't have anything on the docket for blacknose though.

MS. BECKWITH: Okay. Last chance. Anyone else? Thank you. The last thing on our agenda is Other Business. Is there any other business to come before the committee?

DR. DUVAL: I'm not on your committee, but I think, with regards to the blacknose retention limit action, the comment period for that closes on September 20, and so, if we as a council wanted to send in a comment letter, I would recommend that there be some motion from this committee recommending that we do so, supporting the preferred alternative, but I am not on the committee. If folks want that, then someone needs to speak up.

MS. BECKWITH: Zack, Chester, and Mark, **we would be looking for a motion from the committee to send a letter of support for the blacknose measurements.**

MR. BREWER: **So moved.**

MS. BECKWITH: It's seconded by Zack. **Only the three of you can vote, and so all those in favor. It passes unanimously.** Michelle and I can work on the letter, as needed. Okay. Thank you so much, Steve, for taking the time to visit us. We really appreciate the relationship, and we look forward to working with you more in the future. As far as I am concerned, I think we are done, unless there is something else. I adjourn the Highly Migratory Species Committee.

(Whereupon, the meeting adjourned on September 15, 2016.)

Certified By: \_\_\_\_\_ Date: \_\_\_\_\_

Transcribed By:  
Amanda Thomas  
October 2016

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*(Continued)*

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THURSDAY 9/15/16

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Timestamp	Full Name	Email	Mailing Address (If your address is already on file, just type "on file")	How do you participate in fisheries in the South Atlantic? (Check all that apply)
9/15/2016 8:02:02	Dean Foster	dfoster@pewtrusts.org	on file	Non-Governmental Organization
9/15/2016 8:03:19	Rusty Hudson	DSF2009@aol.com	on file	Fisheries Consultant
9/15/2016 8:03:57	Lora Clarke	lclarke@pewtrusts.org	on file	Non-Governmental Organization
9/15/2016 8:13:22	Bill Kelly	fkcfat1@hotmail.com	On file	Commercial fishing representative
9/15/2016 8:35:44	david bush	davidbush@ncfish.org	on file	NCFA
9/15/2016 9:19:18	jack cox	dayboat1965@gmail.com	file	Seafood Dealer/Wholesaler/Retailer
9/15/2016 9:54:14	Robert Boyles	boylesr@dnr.sc.gov	on file	Government
9/15/2016 10:02:32	Russell Dunn	Russell.Dunn@noaa.gov	on file	NOAA Fisheries
9/15/2016 10:29:07	david westfall		3904 A Flagg St Murrells Inlet SC 29576	Commercial Fisherman
9/15/2016 17:05:42	Leda Dummire		on file	Non-Governmental Organization
9/15/2016 17:05:59	Dick Brame		on file	Non-Governmental Organization
9/15/2016 17:06:13	Allison Johnson		on file	Non-Governmental Organization
9/15/2016 17:06:33	Rusty Hudson		on file	Commercial Fisherman, DSF
9/15/2016 17:06:53	Bill Gorham		on file	Charter/Headboat/For-hire
9/15/2016 17:08:09	Trip		on file	Non-Governmental Organization
9/15/2016 17:08:27	Dean Foster		on file	Non-Governmental Organization