

The Mako Mania Tournament Committee
c/o of The Greater Point Pleasant Charter Boat Association
P.O. Box 1533
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Press Release

The Greater Point Pleasant Charter Boat Association is a non-profit organization. Each year the organization runs a shark tournament called "Mako Mania" the purpose of which is to provide an enjoyable and competitive shark tournament which also raises money that is used to help fund the New Jersey artificial reef program. This long running program builds underwater reefs which provide essential habitat for marine fish and other aquatic resources. In addition, it also funds two scholarships, another program for children, funding a trip for the ARC of Ocean County and recently the Save the Summer Flounder Fishery Fund for fishery research. The Board is made up entirely of volunteers.

For reasons explained below, the Mako Shark landed in the tournament by the vessel Sequester is disqualified. As a result of no qualified Mako sharks being landed in the Tournament, the largest Thresher shark is declared to be the winning shark and, therefore, according to the rules, takes all prize monies.

("Mako" refers to North Atlantic Shortfin Mako sharks.)

On June 23 & 24, 2018, the annual Mako Mania Shark Tournament was held. Contestants sought to land the largest Mako shark, a species known for its strength, speed, and aerial displays. It is also excellent tasting and nutritious.

Entrants in the Mako Mania Tournament were bound by various rules imposed by both the Tournament Committee, as well as federal regulations managing the taking of Mako Sharks. These rules are promulgated by the National Marine Fisheries Service ("NMFS"), a division of The National Oceanic and Atmospheric Administration ("NOAA"), the federal agency which oversees marine resource management.

Among the applicable Tournament rules is paragraph 10 of the "2018 Mako Mania Rules and Regulations", which establishes the minimum size for Mako. The minimum size is an "83" minimum fork length". Also set forth in the rules and regulations at paragraph 18, is the provision that "All fishermen are expected to comply with State and Federal laws", which includes the minimum size mandated by Federal Regulations. The Tournament rules were also supplemented with a rule which reads as follows:

"Tournament organizers for Mako Mania to be held from June 23/24 have an important clarification to the 2018 Rules. While Mako Mania is a Mako shark first tournament, if no legal Mako of 83" is caught, then the legal Thresher (66") shark will count both in first to fourth places and all Calcuttas".

In addition to the Tournament rules and regulations, the federally promulgated Mako shark regulations are found in **50 CFR 635**. Those regulations provide that “North Atlantic Shortfin Mako Sharks landed under the recreational retention limits specified at section **635.22(c)(2)** must be at least 83” (210 cm) *fork length*.” Title 50 also contains a definition section. Fork length is defined in section **635.2** as follows:

“FL (fork length) means the *straight-line* measurement along the length of the fish from the tip of the upper jaw to the fork of the tail”. (Italics added.)

The Mako that was weighed and measured for the Mako Mania tournament, and originally thought to meet the 83” measurement requirement, was landed by Captain John Marotta and the crew of the vessel “SEQUESTER”. An enforcement officer from the Division of Fish and Wildlife was present at the time of the weigh in and measurement who, apparently, consented to the fish being of legal size. The fish, however, was incorrectly measured by *curved* fork length rather than the required straight-line fork length. The *curved* fork length of the Mako landed by the Sequester measurement was 83.25”, or a quarter of an inch above the minimum size. A subsequent straight-line measurement showed the shark to measure less than the federally mandated minimum size. The shark did not, therefore, qualify as a legal sized fish under the Federal Regulations. A protest submission form was submitted by Captain Tim O’Donnell who ran the vessel “MISS GINNY”. The “MISS GINNY” had landed the largest Thresher Shark in the tournament which, if the “SEQUESTER” was disqualified, would entitle Mr. O’Donnell and the crew of the “MISS GINNY” to all of the prize money which would have been awarded to the “SEQUESTER”.

The Mako Mania Tournament Committee investigated the protest. During the investigation it became clear that the National Marine Fisheries Service, the entity which regulates fisheries, and in particular Mako Shark, had conflicting publications showing different measurements that might be applied to Mako sharks, including the Highly Migratory Species Recreational Fisheries Compliance Guide, and Apex Predator Northeast Fishery Science Center pages published to assist scientists doing shark research. Despite that confusion, and the apparent reliance of the crew of the Sequester on those federal publications which created a good faith mistake in this instance, the Federal Regulations trump all such publications. As a result, the Mako landed by the “SEQUESTER” has been disqualified because it does not meet the 83” minimum straight-line fork length.

A lawsuit has been filed in the Passaic County Superior Court on behalf of the Captain and crew of the “SEQUESTER”. Pending review by the court, the Tournament Committee declares the “Miss Ginny” and its crew the winner. No award money will be given pending the disposition of this lawsuit.