

**PROCEEDINGS OF THE  
ATLANTIC STATES MARINE FISHERIES COMMISSION  
SPINY DOGFISH MANAGEMENT BOARD**

**The Westin Alexandria  
Alexandria, Virginia  
February 3, 2016**

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6. **Motion to adjourn** by consent (Page 7).

**ATTENDANCE**

**Board Members**

|  |   |
|--|---|
| Terry Stockwell, ME, proxy for P. Keliher (AA)   | Brandon Muffley, NJ, proxy for D. Chanda (AA)   |
| Sen. Brian Langley, ME (LA)                      | Tom Fote, NJ (GA)                               |
| Steve Train, ME (GA)                             | Stewart Michels, DE, proxy for D. Saveikis (AA) |
| Doug Grout, NH (AA)                              | Roy Miller, DE (GA)                             |
| Dennis Abbott, NH, proxy for Sen. Watters (LA)   | Craig Pugh, DE, proxy for Rep. Carson (LA)      |
| G. Ritchie White, NH (GA)                        | Bill Goldsborough, MD (GA)                      |
| Jocelyn Cary, MA, proxy for Rep. Peake (LA)      | Ed O'Brien, MD, proxy for Del. Stein (LA)       |
| Dan McKiernan, MA, proxy for D. Pierce (AA)      | Mike Luisi, MD, proxy for D. Blazer (AA)        |
| William Adler, MA (GA)                           | Rob O'Reilly, VA, proxy for J. Bull (AA)        |
| Mark Gibson, RI, proxy for J. Coit (AA)          | Kyle Schick, VA, proxy for R. Stuart (LA)       |
| David Borden, RI (GA)                            | Louis Daniel, NC (AA)                           |
| Eric Reid, RI, proxy for S. Sosnowski (LA)       | Doug Brady, NC (GA)                             |
| Steve Heins, NY, proxy for J. Gilmore (AA)       | Wilson Laney, USFWS                             |
| Emerson Hasbrouck, NY (GA)                       | Peter Burns, NMFS                               |
| Pat Augustine, NY, proxy for P. Boyle (LA)       |   |
| Adam Nowalsky, NJ, proxy for R. Andrzejczak (LA) |   |

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

**Ex-Officio Members**

**Staff**

|             |             |
|-------------|-------------|
| Robert Beal | Ashton Harp |
| Toni Kerns  | Megan Ware  |

**Guests**

|                    |                     |
|--------------------|---------------------|
| John Clark, DE DFW | Jason Didden, MAFMC |
|--------------------|---------------------|

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Edison Ballroom of the Westin Hotel, Alexandria, Virginia, February 3, 2016, and was called to order at 12:10 o'clock p.m. by Chairman David V. Borden.

**CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: Thank you for having a seat. My name is David Borden; I am the Chairman of the Dogfish Board.

**APPROVAL OF AGENDA**

CHAIRMAN BORDEN: We have circulated a draft agenda. Are there any changes, additions, deletions to the agenda? If not we'll take the items in the order that they appear.

**APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: We have the proceedings from February, 2014. Are there any changes to those proceedings, additions, deletions, any objections to approving them as prepared? No objections they stand approved.

**PUBLIC COMMENT**

CHAIRMAN BORDEN: Public comments, we did not have anyone sign up to comment, but I'll ask. Is there anyone in the audience who wants to address the commission on issues that do not appear on the agenda? No hands up.

**REVIEW AND SET  
2016-2018 FISHERY SPECIFICATIONS**

CHAIRMAN BORDEN: Review of the 2016 specifications. We have two reports here, one by the Mid-Atlantic Council on the Mid-Atlantic Council actions, the second on the New England Council action. Jason, will you please provide the board with a quick summary of the actions by the Mid-Atlantic?

**REVIEW OF MID-ATLANTIC FISHERY  
MANAGEMENT COUNCIL ACTIONS**

MR. JASON DIDDEN: I am going to quickly review some fishery performance items and then what the councils took on action for 2016 to 2018 spiny dogfish specifications. The council set up an advisory panel fishery performance report several years ago. The advisory panel meets, gives some input on the recent fishery performance as they go through.

The biggest thing that we have gotten and keep getting from them is the key determine of the fishery is markets and price. Their kind of goal for the fishery is to maintain stability in both, and slowly grow it. I think that is the overriding theme we keep getting with it. They say even though we haven't been catching the quota, there is no problem catching the trip limit.

Over the years sometimes processors do put in some days restrictions that limit catch, but again the theme that they really keep focusing on is that they're looking to grow this fishery slowly, not quickly, and looking to maintain stability. That is really the key thing. We do get some input every year on different regions wanting some changes to trip limits.

As soon as that comes up we also get input on, keep in mind that if you change the trip limits and one, overall it is going to have different impacts in different regions. While it may help out one region, it may shut another fishery down because of the dynamics of the fishery; as far as the trip limits go. Neither one of the councils took any action on changing the trip limits, which would just leave the federal trip limit status quo. We did get some input that some of the NMFS information on exports and what kinds of products are exported. There is some lack of clarity there; they want a bit more information on that. The name change issue keeps coming up. We did explore this with FDA a bit, but beyond the two currently allowed names, spiny dogfish shark and cape shark;

additional name changes through FDA appear unlikely to occur.

The blue line is spiny dogfish catches from the current fishing year. The fishing year is May 1 through the following April. The orange line is what the landings were the previous year. The red line at the top is a quota, the commercial quota. The commercial quota was approximately the same the year before in the orange line.

You can see they're catching a little less than half the quota, basically. It looks like this year we'll end up about the same or maybe a little bit lower than the previous fishing year. The council, I think you guys probably know the council process. Things go through the SSC, which are pretty binding for the council.

We had the Science Center, Paul Rego; who is now retired, do an assessment update. The first take on that assessment update basically led to about a 50 percent reduction in the commercial quota. Once all the discards come out, Canadian catch comes out; once all those things are taken care of the end result was about a 50 percent reduction in the commercial quota.

The Mid-Atlantic Council moved forward with ABCs based on that; but also asked the Science Center to kind of take another look at things, which they did. In 2014 we had a missing data point, the survey vessel had mechanical issues and the survey is basically looking at three year moving averages from the survey data, it is kind of the key driver there.

This year we had 2013 and 2015 but no 2014. With a three year average it is going to react pretty quickly to changes anyway. I think 2012 was a super high data point in the survey. We lost that very high data point and just relying on 2013 and 2015, and we had a substantial drop in the estimated biomass that then trickles down through the quotas.

When they went back and took another look at it, about ways to smooth the data and account

for that missing year, Paul Rego; he's been working with Kalman filters as a way to do some smoothing and averaging with this assessment for quite some time. He did that along with a couple other options.

Our SSC reviewed those options and said, of what is available now, and based on their understanding of the performance of those smoothing and averaging, they decided the Kalman filter was the best way to go in terms of how it behaved. These are the biomass as it resulted from some of the different smoothing options.

The key thing to see here is that the current method, or the then current method, which was a three year moving average versus a Kalman filter; the medium biomass is a good bit higher with the Kalman filter. Again, it is not reacting quite so fast to the down trend as the three year average, which was really a two year moving average because we didn't have any 2014 data.

While for right now the Kalman filter provides a higher biomass and therefore a higher catch, when you look at the whole time series the Kalman results in the lowest average annual quotas. Basically the Kalman, when it sees a survey point that has a lot of uncertainty; it is down weighting those points. With dogfish, in the survey the highest values have the highest uncertainty. It is a very strong relationship. Those high values are getting down weighted in importance by the Kalman filter.

You can imagine it is basically going to be a slow up, medium down kind of way to proceed. If it sees a high value with high uncertainty it is going to react to that slowly. A low value with low uncertainty, and that is how things tend to be paired, it is going to react to that fairly quickly. The SSC sometime later this year is going to take another look at it, kind of step back; are there other smoothing options that may be more appropriate.

I'm not exactly sure when that will occur, but they did indicate that they want to take another look at it this year. It won't be at the March meeting but sometime after. These are just kind of all the specifications. The bottom numbers that are circled are how things work out. Again, instead of going from 50 million pounds to 25 million pounds you're more going from 50 million pounds to about 40 million pounds; give or take over the course of three years. That is where the council ended up, and I'll take any questions.

CHAIRMAN BORDEN: Questions for Jason?

MR. DANIEL McKIERNAN: Jason, thank you. Can you just describe how many years this filtering process will have to be used; given the missing data point?

MR. DIDDEN: Well the survey has always used a smoothing and it had been using three years. I think the SSC likes the performance of the Kalman filter better as a smoothing option than just a basic three year; or some of the other options. I think that absent another smoothing option that the SSC decides is better, this could be forever it would be used. I think it will really depend on either an assessment or the SSC evaluation of what's the best way to kind of do some multiyear averaging.

#### **REVIEW OF NEW ENGLAND FISHERY MANAGEMENT COUNCIL ACTIONS**

CHAIRMAN BORDEN: Other questions for Jason? If not we'll move on with the next item, which is a report on the New England Council.

MS. ASHTON HARP: No presentation necessary. The New England Fisheries Management Council approved the same specifications as the Mid.

CHAIRMAN BORDEN: Okay, in preparation for this, given the fact that both councils adopted this unanimously I think it was. Anyone can correct that if I misstated. I asked the staff to prepare a motion that would do the same thing

and put it up just for discussion. If someone cares to make that as a motion I'll open the board for discussion. Have you got the motion?

A draft motion is on the table. Emerson Hasbrouck made the motion, Eric Reid seconded the motion. Discussion on the motion? Let me ask this, anyone at the table that is opposed to the motion? No opposition; the motion is adopted by unanimous agreement. Okay so the second issue is.

MS. TONI KERNS: If you could, we need the motion read into the record; please.

CHAIRMAN BORDEN: **The motion is to adopt the spiny dogfish 2016 commercial quota of 40,360,761 pounds, which is consistent with the commercial quota recommended to NOAA Fisheries by the Mid-Atlantic and New England Fishery Management Council; motion by Mr. Hasbrouck, seconded by Mr. Reid.** No further discussion? Yes, Peter Burns.

MR. PETER BURNS: Just a comment. I just want to recognize that NOAA Fisheries is still in rulemaking on this and we recognize that this is consistent with what the councils have recommended. But I'll be abstaining on this because we're still in the rulemaking process, thank you.

CHAIRMAN BORDEN: Thank you very much, Peter. Any further discussions, any objections to approving this motion as presented? **No objections; the motion stands approved.** The second issue is the two councils took no action on the trip limits; and that is one of the issues that can be considered at this point.

Just so everyone is clear, we have a system in terms of the management system. We have two slightly different management systems that operate. In the Mid-Atlantic we have a quota system, a regional quota system with state shares. The states manage those shares. Any of the fishermen in that region that have federal permits and fish in federal waters, are bound by the federal regulations and trip limit.

When they fish without their federal license in state waters they are bound by whatever the state water regulations are. In the New England area we do not have a state quota system, what we have is a regional quota system; and therefore the states basically adopt a trip limit for state waters that complements the trip limit in federal waters. Let me just open it up. Does anyone want to suggest a change in the trip limit? Eric Reid.

MR. ERIC REID: **I would like to make a motion to that effect, Mr. Chairman; if it is okay with you. I move to adopt a 6,000 pound trip limit on spiny dogfish for the fishing year 2016 to only be consistent with compatible action by NOAA in federal waters.** I have some rationale if I can get a second.

CHAIRMAN BORDEN: Is there a second? Ritchie White. We'll wait, Eric have you got that in writing?

MR. REID: Do I have it in writing?

CHAIRMAN BORDEN: We'll just make sure we get the motion up on the board. Then I'll come back to you, Eric and you can describe why.

MR. REID: You're missing the compatible with NOAA.

CHAIRMAN BORDEN: Eric, let me just ask this from the Chair's intent. The 6,000 pound trip limit applies in federal waters, right?

MR. REID: Yes, to be consistent with NOAAs.

CHAIRMAN BORDEN: Okay, but not just the northern area.

MR. REID: No, I would like to see it coastwide.

CHAIRMAN BORDEN: Eric, would you like to describe this, why you want to propose this, please?

MR. REID: There are more than a few reasons for it. One is currently we're underfishing the

resource. We're not catching current or the proposed ABC. As far as the market goes we need to gradually increase the trip limit to methodically promote full market potential and the utilization of the resource.

We also need to reduce regulatory discards. We need to promote economies of scale in this fishery; it is a cheap fish and we need to take advantage of economies of scale in order to make it work for everybody. The higher trip limit would encourage more participation in the fishery, which is certainly warranted in this case.

CHAIRMAN BORDEN: All right so I'll open the discussion to the board, comments on the motion; anyone? Does anyone care to comment on the motion? Mike.

MR. MICHAEL LUISI: This would only happen in the event that NOAA also establishes 6,000 pound limits for all federal waters, correct?

CHAIRMAN BORDEN: Okay other comments on it; anyone else? I'm not seeing a lot of hands.

MR. DOUGLAS E. GROUT: I have a comment, but I think Luisi still had a follow up question.

CHAIRMAN BORDEN: Oh, excuse me, Mike.

MR. LUISI: I was just clarifying. I just wanted an answer. I am reading it again now and seeing that I think that is the intent that the 6,000 pound limit would apply to federal waters as well; not just the state waters in the northern region. I would speak in support of this.

I have advocated at the council level for the last few years for increases in federal waters trip limits, however I didn't use Mr. Reid's approach, which is a subtle approach. I kind of doubled limits and tripled limits and it wasn't going to fly. But I think this stepwise approach to trying to achieve a better harvest of the resource is a good thing, and I'll support the motion.



CHAIRMAN BORDEN: I just add from my own personal perspective as everyone knows, I have advocated higher trip limits on dogfish. But I would point out that the motion that Eric Reid is making is entirely consistent with the advice that Jason gave us from the industry. Don't do anything radical; just kind of slowly ratchet up the catch so that the market can adjust to it, back to Doug Grout, please.

MR. GROUT: Yes, I just wanted to say that I support this motion. Last year we did try to get a 1,000 pound increase in the trip limit. The information we get from our fishermen is that given the low value of dogfish, to be able to make this a viable trip, having somewhere between a 6 and 7,000 pound trip limit makes the trip a more cost effective trip. I would support this, but again only if this was something that was compatible with what happens in federal waters.

MR. DIDDEN: There were no motions at the councils. I don't know if the proposed rule by NMFS will have any consideration of any changes from the 5,000 pound trip limit for this year, although it is obviously something the councils could entertain in the future.

MR. BURNS: Yes I guess I'm a little confused about what would happen with this motion. As I mentioned we're rulemaking right now. It is assumed that the council recommendations for the trip limits would be 5,000 pounds; consistent with what happened last year, and so that is what we're strongly considering.

This would be inconsistent with that and it is unclear to me. This would be contingent upon our rulemaking, in favor of this I imagine. I'm not really sure what the commission would adopt in the event that we did not make rules that were consistent with this motion.

CHAIRMAN BORDEN: My response to that Peter would be, if this motion were to pass the Executive Director or Commission Chairman would send a letter to NOAA; basically saying this is what the commission adopted. Then

NOAA within the constraints of its rulemaking process would either address it in one way or another, or maybe not address it. But at least on the record they would have a letter recommending a slightly different strategy. After all, the commission is, in my own view, an equal partner with the two councils on this. Doug Grout or someone else can comment on that.

MS. KERNS: I think the language is a little bit confusing if someone were to read this in a press release with nothing else, no discussion that we were going to a 6,000 trip limit. It may want to consider changing the language to say, only if NOAA Fisheries were to increase. Then a question to Peter, in order to consider this change from NOAA, would it be helpful if the commission sent a letter making that request and rationale for why we're making an increase request?

MR. BURNS: Yes, I think that certainly the commission can adopt what they want to adopt. We're in the middle of our rulemaking right now; trying to consider what the council has brought forward. If you sent a letter we would consider it; if we're still in our rulemaking process looking forward on this.

But the way that the motion is written it says that it would only go forward if we did it in federal waters, so it is unclear. Maybe if you want to go with a 6,000 pound limit I guess that would be the motion. But this is a contingency that it would only go in if we adopted it.

CHAIRMAN BORDEN: Discussion on that point. Bill Adler.

MR. WILLIAM A. ADLER: Yes I think it probably should be done, to the point where we say, we're going to 6,000 pounds and our partners, and I underline that; have our partners conform to us for a change.

DR. LOUIS B. DANIEL: The motion kind of changed a little bit. Is this just for the northern unit or is this now a coastwide 6,000 pound trip

limit; just a point of clarification? If it is coastwide I have comments.

CHAIRMAN BORDEN: I think the intent is, and the motion maker can correct this, the intent is that it would be a recommendation that goes to NMFS for a coastwide 6,000 pound trip limit in federal waters, which currently you have a coastwide 5,000 pound trip limit in federal waters. Any of the state boats, particularly in the Mid-Atlantic area that want to fish in state waters simply drop their federal permit and then, for instance in the case of your state may fish for dogfish and land 20,000 pounds on a trip. Correct that Louis if I misinterpreted it.

DR. DANIEL: No that is my issue. We've got a 20,000 pound trip limit, and I don't want this to jeopardize that. That is an important component of our fishery.

CHAIRMAN BORDEN: This doesn't. It doesn't change it at all.

MR. MCKIERNAN: To follow up on Toni's concerns, could this motion be reworked to be clearer before it is brought forward for a vote?

CHAIRMAN BORDEN: Toni is basically giving me the same advice you're giving me, Dan. Let's just take like a two minute break and we'll reword the motion and then bring it back. Don't leave the room. **All right we have a revised motion that we'll put up on the board.** I'll just read it and then I'll ask the maker and seconder to agree to this, or ask somebody to make it as a substitute, I guess.

**Move to recommend to NOAA Fisheries to adopt a 6,000 pound trip limit. If the trip limit is approved in federal waters then set a 6,000 pound trip limit in the northern region; Maine through Connecticut. If the trip limit is not approved in federal waters then a 5,000 pound trip limit will remain in the northern region; Maine through Connecticut. Motion by Mr. Reid and seconded by Mr. White.** Let me ask the maker and seconder of the motion. Do you agree to this perfection of a motion? Ritchie.

MR. RITCHIE WHITE: Yes.

CHAIRMAN BORDEN: Eric.

MR. REID: I agree with it. Hopefully Louis, you'll agree with it too.

CHAIRMAN BORDEN: Okay Louis, does this clarify what the intent is; getting back to the question you raised?

DR. DANIEL: Yes, and I support what Eric is trying to do 100 percent. This clarifies my concern about what the original motion said. The only question I would have would be that there is a 5,000 pound trip limit south of Connecticut in federal waters. I would defer to the other states.

But it would seem to me that we would want to go to the 6,000 pounds in federal waters coastwide. But accommodate Eric's request for a 6,000 pound trip limit in the northern states. That seems to me to be the most consistent way to do it, because otherwise south of Connecticut you've got a 5,000 pound trip limit and north you've got a 6,000 pound trip limit. That would be the only concern I would have.

CHAIRMAN BORDEN: I have Rob and then Mike; to that point please.

MR. ROB O'REILLY: My understanding is that the 6,000 pound trip limit would be in federal waters period, if National Marine Fisheries Service makes that change at some point.

CHAIRMAN BORDEN: I would add that is also my interpretation.

MR. LUISI: I was going to say the same thing. There is no line drawn through the federal waters that differentiates the north of Connecticut and south of Connecticut.

CHAIRMAN BORDEN: Okay discussion on the motion. Does anyone want to discuss the motion further? Peter Burns.

MR. BURNS: Just one more comment on this, Mr. Chairman. I just want to let you know that I appreciate you reworking the motion here. It looks like it would, if the trip limit is not approved in federal waters than the 5,000 pound trip limit would remain. Like I said, we've got two recommendations by the council that assumes that the trip limits would maintain a 5,000 pound. I'm going to abstain on this, because it is not consistent with what councils have recommended at this point.

CHAIRMAN BORDEN: Any further discussion. Let me ask whether or not there is any objection to approving this motion as revised. Any objection? **No objection the motion stands approved as submitted.**

#### **ELECTION OF VICE-CHAIRMAN**

CHAIRMAN BORDEN: Next item on the agenda is election of a Vice-Chairman.

MR. WHITE: **I would like to nominate the most distinguished commissioner from the Commonwealth of Virginia, Rob O'Reilly.**

CHAIRMAN BORDEN: Is there a second to that? Is it seconded; we've got to get a different state to second it? Seconded by Steve Heins, Pat Augustine, would you like to speak to this?

MR. PATRICK AUGUSTINE: Yes I would like to submit your name as Vice-Chair. No, I can't do that. Thank you very much, Ritchie White.

CHAIRMAN BORDEN: **Any objections to approving Rob O'Reilly as the Vice-Chair with acclamation and applause? You stand approved, welcome to the barrel.**

#### **ADJOURNMENT**

CHAIRMAN BORDEN: Okay any other business; if not the meeting stands adjourned?

(Whereupon the meeting was adjourned at 12:42 o'clock p.m. on February 3, 2016.)