

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

**The Marriott Norfolk Waterside  
Norfolk, Virginia  
October 16, 2017**

**Approved October 23, 2018**

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4. **The Board recommends Commission support a spiny dogfish update and benchmark stock assessment at the NRCC** (Page 4). Motion by David Pierce; second by Rob O'Reilly. Motion carried (Page 4).
5. **Move to approve the 2017 FMP Review, state compliance and *de minimis* status requests from New York and Delaware** (Page 6). Motion by Doug Grout; second by John Clark. Motion carried (Page 6).
6. **Motion to adjourn** by consent (Page 8).

**ATTENDANCE**

**Board Members**

Sen. Brian Langley, ME (LA)	Tom Baum, NJ, proxy for L. Herrighty (AA)
Doug Grout, NH (AA)	Tom Fote, NJ (GA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	John Clark, DE, proxy for D. Saveikis (AA)
G. Ritchie White, NH (GA)	Roy Miller, DE (GA)
Rep. Sarah Peake, MA (LA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
David Pierce, MA (AA)	Rachel Dean, MD (GA)
Raymond Kane, MA (GA)	Ed O'Brien, MD, proxy for Del. Stein (LA)
Jason McNamee, RI, proxy for J. Coit (AA)	Mike Luisi, MD, proxy for D. Blazer (AA)
David Borden, RI (GA)	Rob O'Reilly, VA, proxy for J. Bull (AA)
Eric Reid, RI, proxy for S. Sosnowski (LA)	Cathy Davenport, VA (GA)
Colleen Giannini, CT, proxy for M. Alexander (AA)	Kyle Schick, VA, proxy for R. Stuart (LA)
Sen. Phil Boyle, NY (LA)	Chris Batsavage, NC, proxy for B. Davis (AA)
Emerson Hasbrouck, NY (GA)	David Bush, NC, proxy for Rep. Steinburg (LA)
Jim Gilmore, NY (AA)	Sherry White, USFWS
Adam Nowalsky, NJ, proxy for Asm. R. Andrzejczak (LA)	Peter Burns, NMFS

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

**Ex-Officio Members**

Robert Beal  
Toni Kerns

Max Appelman

**Guests**

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Hampton Roads Ballroom V of the Marriott Waterside Hotel, Norfolk, Virginia, October 16, 2017, and was called to order at 3:04 o'clock p.m. by Chairman David V. Borden.

#### **CALL TO ORDER**

CHAIRMAN DAVID V. BORDEN: My name is David Borden; I'm the Chair of the Dogfish Board, and welcome to the meeting.

#### **APPROVAL OF AGENDA**

CHAIRMAN BORDEN: We have an agenda that has been distributed. Are there any changes, additions, deletions to the agenda? No hands up; anyone in the audience with comments on the agenda?

No hands up. Okay so we'll take the items in the order that they appear.

#### **APPROVAL OF PROCEEDINGS**

CHAIRMAN BORDEN: We have the proceedings of the last meeting. They are available; any comments on those? No comments; the proceedings stand approved.

#### **PUBLIC COMMENT**

CHAIRMAN BORDEN: Public comments, we afford the public the opportunity to comment on issues not on the agenda.

Does anyone in the public, no one signed up I would point out, but is there anyone in attendance here who would like to address the Board? No hands up.

#### **REVIEW AND SET SPECIFICATIONS FOR 2018 AND 2019**

CHAIRMAN BORDEN: The next issue is the Review and Set Specifications for 2018 and '19. The first thing we're going to do is review the Mid-Atlantic Council action. Max.

#### **REVIEW MID-ATLANTIC COUNCIL ACTION**

MR. MAX APPELMAN: I'm going to give a very brief bit of background; touch on to the AP Fishery Performance Report. We'll move into the data update, and then wrap up with recommendations of the SSC, the Monitoring Committee, and the Mid-Atlantic Council. If you listened in to the Council meeting last week, or participated in any level with the SSC or the Monitoring Committee, you'll realize this presentation is somewhat familiar.

Just a reminder, spiny dogfish is a jointly managed species. The interstate FMP is complementary to the joint Mid-Atlantic and New England Council management plan. Currently in federal waters, they're in the third year of a three-year-specification cycle. It goes from May 1, 2016 to April 30, 2019.

The ASMFC Management Board had gone one year at a time with these specifications; so today we'll be considering specs for the 2018 fishing season, which is May 1, 2018 to April 30, 2019. This is a look at the current federal three-year-specifications package; 2016 to 2018. It starts with your OFL and ABCs up at the top there, and you work your way down to the commercial quota.

You'll notice that there is a slight dip in the commercial quota through the course of these specifications; not by much, roughly a million pounds each year. The 2018 federal quota is 38.2 million pounds. The federal trip limit is set at 6,000 pounds. Moving on to the AP Performance Report, first off it is very similar to the last few years. It's pretty clear the market issues, market and demand issues are the big ticket items there. Domestic and foreign markets appear to be shifting away from shark products, and industry continues to look for new markets, new opportunities. This year in particular, Council staff has received a handful of phone calls from industry members seeking marketing help.

Those individuals have been directed to marketing assistant opportunities that exist; some state and other federal programs, Sea Grant being a good example of that. The AP has also discussed this year that processors are having a significant impact on price. To summarize that discussion very briefly, it seems that a lot of the processors bought a lot of dogfish product early in the season.

They held onto that product hoping that the price would go up; and that never really happened. As a result the price remained relatively low; which effectively reduced the amount of landings coming in. Another note from the AP Performance Report was discussion about the trip limit. There continues to be very differing opinions amongst Advisory Panel members.

Some feel that a substantial increase would stimulate other markets or fishing opportunities. Others are happy at the 6,000 pound limit, and fear that large increases would flood the market, flood processors. Then still some even favored slightly reduced trip limits. It seems that in the end, if any changes to the trip limits are considered, a small change would be sort of a compromise there.

Lastly, the Advisory Panel expressed a sense that the survey and assessment information that they've been seeing doesn't really reflect what they're seeing out on the water. There was a strong desire for a new benchmark assessment. I will note that this was echoed by the Monitoring Committee and partially by the SSC as well.

Moving on to the data update, this is a look at landings relative to the quota through time. You can see at the early part of the time series landings increasing steadily; along with the quota, up until about 2011, where they start to diverge. The quota continued to increase, and landings remained pretty flat.

It seems to be general understanding that this trend is due to market conditions; not so much

abundance or availability. Taking another look at landings, this is the rate of landings through time, so this is a screenshot from the GARFO quota monitoring page; this was taken just last week. I think it goes through the end of September.

The orange line here is the previous year, so May 1, 2016 through April of 2017, and then blue would be the current fishing year, May 1, 2017 and ending at the end of September. You can see they tracked pretty well; up until early August, at which point the landings rate seemed to drop off relative to last year. This is what I was mentioning earlier; the talk about the processors starting to affect the price of dogfish, and thus you can see landings starting to drop off with low prices.

This is a couple figures from the data update as well. This is a heat map; looking at where landings are coming from. This is based on matched dealer and VTR data; so it's only a portion of landings. But it gives us some insight as to whether or not there are any substantial changes in where dogfish landings are coming from in the most recent past. This is the first half of the year; January through June, the left hand figure is 2011 to 2013, compared to 2014 through 2016 on the right. The take home here is that not much has changed between those two periods of time. The hot spots are in the same relative areas off of Maryland it looks like there, up in the New York Bight, off of Jersey, southern Long Island, and then a couple hot spots off of Rhode Island and then Massachusetts.

This is the same figures. Now we're just looking at July through December. Again, 2011 to 2013 on the left, 2014 to 2016 on the right, and the same take-home message really, no substantial changes in where these landings are coming from during those two time periods. This is a look at the swept area biomass of mature females from the Spring Bottom Trawl Survey through time.

I'm going to direct you to the 2017 value, the last value there. It is pretty low; it's actually the lowest in the time series. That is concerning, but there are a few caveats to keep in mind here. First off is that this is a raw data value. It is not an output of an assessment model; which incorporates other information when estimating spawning stock biomass.

Then secondly, after reviewing this same information, the SSC and the Monitoring Committee appear to be under the understanding that this is more likely a change in availability rather than abundance; particularly given the life history of spiny dogfish, not really lending itself to rapid changes in biomass from one year to the next, and when we also consider the moderate amount of catches that have been coming in, in recent years.

To add to this what they are alluding to, this is a figure from the data update. It's showing long term density of survey catch relative to more recent, so the gray in both of these figures are the long term density of survey catches. Then the yellow and red on the left is 2016, and on the right is 2017. The takeaway from here is if you look at 2017, if you look off of Georges Bank you don't see any of that yellow and red, and you see a lot of it in 2016.

This seems to be a year-specific-availability issue. This is also seen in this anomaly, it was also seen in the NEMAP spring 2017 data as well. Lowest point in the time series, but the SSC and Monitoring Committee really want to see more investigation before jumping to any conclusions with that terminal year estimate.

It is my understanding that there is some preliminary work being done by the SSC; to look at some index standardization techniques that incorporate environmental data as well, some other habitat covariates to shed some light onto whether this survey really does track the availability or is it a good abundance index?

After reviewing that information, the data update, the AP report, the SSC recommended no changes to the 2018 specifications. They further requested an assessment update this time next year to inform the next round of specifications. The Monitoring Committee similarly recommended no changes to the 2018 specs, further stating that a benchmark would be very helpful in the near future.

Just last week the Mid-Atlantic Council heard the same information that I just presented, and similarly recommended no changes. They further supported the SSC and Monitoring Committee's request regarding the urgency of an assessment update and a benchmark assessment in the near future. The 2018 specs as of now in federal waters we'll be looking for a motion to approve specs. For state waters, our 38.2 million pounds, a little shy of 38.2 million pounds, and this is the state-specific and regional-specific breakdown. I'm going to leave this slide up on the screen. I'll take any questions, thank you, Mr. Chair.

CHAIRMAN BORDEN: Questions for Max? Are there any questions? Rob.

MR. ROB O'REILLY: Thank you, Max. I guess the information was flowing pretty freely there at the Council. Back when Dr. Pierce made a recommendation on how to sort of smooth over the problem that the survey had in 2015, I think it was. It ended up they used the Kalman Filter, do you happen to know if that is still the approach that they're using? I guess I'm asking, because you had a slide up there that indicated that the benchmark was preferred. But I think what was said ultimately was probably it may be an update. Can you confirm either of those points?

MR. APPELMAN: Yes, so the Kalman Filter was used. The last update was in 2015, and then the early 2016 the Science Center used that Kalman Filter with the newest year of data. That has not been used since the 2016 data point. There is talk, to the best of my knowledge there is talk of an assessment

update next year, but nothing is set in stone. Then further down the road there is communications with NRCC to get a benchmark on the 2019 schedule, I believe.

CHAIRMAN BORDEN: Rob.

MR. O'REILLY: I wanted to ask too. There were suggestions on a male-only fishery with the idea that the male dogfish will segregate, not completely, but they will segregate from the female dogfish. This has been sort of an ongoing situation for a couple of years at least. I think there was a paper.

I haven't looked at it yet. We got it Thursday. But I do remember Toby Curtis from National Marine Fisheries Service had provided information that yes, there was a possibility for that. But my understanding is that would have to go through the same, like a benchmark for that to be something to look forward to. I don't think that was explicitly stated last week, but maybe you know more about that Max.

MR. APPELMAN: My two cents is that the impacts of what a male-only fishery would be to the whole population would require deep investigation during a benchmark. But I haven't heard much coming. I think there are split opinions amongst the industry itself about whether a male-only fishery would benefit the market or anything of that nature. But as far as biologically speaking, biomass related, I think yes. We need to go through a benchmark for that.

CHAIRMAN BORDEN: Is there anyone else? No hands up. Are there any questions from anyone in the audience? If not, no hands up. Okay so we'll move on to the specifications. You basically heard what the Mid-Atlantic Council and the Mid-Atlantic SSC did. Would someone care to make a motion on this issue? Eric.

**MR. ERIC REID: I would make a motion to move to adopt the 2018 quota of 38,195,822 pounds, which is consistent with the commercial quota recommended by the Mid-**

**Atlantic Fisheries Management Council to NOAA Fisheries, and a 6,000 pound trip limit for the northern region.**

CHAIRMAN BORDEN: Do we have a second? Seconded by Emerson, discussion, any discussion? No discussion. **This normally requires a roll call vote, but if there is no objection we can do it by unanimous consent. Are there any objections? There are no objections; the motion stands approved without objection.** Okay so we're into the Fishery Management Plan Review.

DR. DAVID PIERCE: Mr. Chairman, David.

CHAIRMAN BORDEN: Dr. Pierce.

DR. PIERCE: Yes we did hear a summary of what the Mid-Atlantic Council did at the last meeting regarding the update and the benchmark assessment. Would you be looking for a motion that would provide our support for similar action?

CHAIRMAN BORDEN: I think that would be helpful. If you would like to do that make a motion.

**DR. PIERCE: I'll do that. I'll make a motion that the Board supports the SSC and Mid-Atlantic Council request for a dogfish assessment update, and then a benchmark assessment.**

CHAIRMAN BORDEN: Is there a second? Seconded by Rob, is there any discussion on the motion? **No hands up, any objections? The motion stands approved without objection.**

#### **FISHERY MANAGEMENT PLAN REVIEW AND STATE COMPLIANCE**

CHAIRMAN BORDEN: Move on to the Fishery Management Plan Review. Toni.

MS. TONI KERNS: I guess you would really make a recommendation to the Policy Board to do this. But I'm not sure we fully need, I mean we

can do a motion which tells the Policy Board that that is how you would like the timing, or this Board would like the timing for the stock assessment process to go.

It's also something that Bob, Pat and I can also reiterate at the NRCC; because this isn't just a Commission decision on when these assessments get done, it is a group decision that we make with the NRCC, we would bring that to them. It makes it a little bit different than our normal process. Normally anything for the assessment process would go to the Policy Board, but we aren't the final say on when this will be, since it's a group effort.

CHAIRMAN BORDEN: Toni is your suggestion we just add in that the Board recommend at the Policy Board? Is that the recommendation? Let me rephrase that. What are you recommending specifically?

MS. KERNS: Just recommend that Commission leadership support a spiny dogfish benchmark stock assessment at the NRCC. I think timing would be helpful of when you want this to be on the schedule.

CHAIRMAN BORDEN: Question then to Dr. Pierce and Rob. Your thoughts, is this change acceptable, David?

DR. PIERCE: My motion was to recommend that we support the SSC and Mid-Atlantic Council request for an assessment update, and then a benchmark assessment, so not just the benchmark assessment. That's my preference. But at least an update, because the last update I believe was in 2015, I think you said, so at least an update. The Northeast Fisheries Science Center is hard pressed to do stock assessment benchmarks, so at the minimum the update and then let's make sure they understand that we really would like that benchmark assessment ASAP.

Now if this is formality, the Board recommends Commission support. I'm not sure if this is the language that Toni was suggesting. Well this is

mine, except it's missing the update. The Board recommends the Commission support a spiny dogfish assessment update, and then a benchmark stock assessment. That was my motion, Mr. Chairman, so it's not reflected on the screen.

MS. KERNS: We want an update this coming year is what you're telling me.

CHAIRMAN BORDEN: We already approved the motion, the original motion. Unless we get the concurrence of the maker of the motion or the seconder on perfection, I'm reluctant to; I don't think we can change it, Rob, any comments?

MR. O'REILLY: Just that anything that can be done to ensure that that is followed. I think it was very tentative as to whether there would be a benchmark, and then the feeling was no, it's going to be an update. I think anyone who can push this forward so that the update is followed by the benchmark. I think that's really the point here.

CHAIRMAN BORDEN: Mike.

MR. MICHAEL LUISI: I'll speak as the Chair of the Mid-Atlantic Council. The NRCC meets on November 15, and that's when based on our meeting last week I'll be taking to the NRCC for our Council, the interest in doing an update. The update, in my opinion it's needed, because we need to get the next three-year specifications set.

I don't see there being a problem at all in the update. It's when that benchmark gets schedule. Those larger benchmark type updates or assessments are preplanned for the next few years. From the Council's perspective I'm going to go in and ask to have that put on the schedule as soon as possible; so it would be helpful to have the Commission thinking the same way.

**PLAN REVIEW TEAM REPORT**

CHAIRMAN BORDEN: All right, does anyone else want to propose anything on this? Then we're going to move on with the report, Plan Review Team report. Max.

MR. APPELMAN: This is a 2017 FMP Review for Spiny Dogfish. A lot of the information in this report was included in the previous presentation. To keep this short, I'll just be focusing on the compliance component. All the other stock status and fishery status information you can find in the report itself; it was provided in your meeting materials.

Just very briefly, the latest stock status information as we now know comes from the 2015 stock assessment update; which was updated again in 2016 using that Kalman Filter. That is what gives us our latest stock status information. Based on that in 2015, spiny dogfish is not overfished and overfishing is not occurring.

SSB is estimated at just over 168,000 metric tons, which is above the target. Fishing mortality estimated at 0.21, which is below the target. Moving on to the commercial quota and landings, so again the fishing season for this reporting period is May 1, 2016 to April 30, 2017. The base quota during that season was just over 40 million pounds, 40.4 million pounds. After accounting for eligible rollovers from the previous season, the effective quota was closer to 42.9 million pounds.

The trip limit for the northern region was set at 5,000 pounds; this increased to 6,000 pounds on August 15, following the notification of the federal trip limit increase. Commercial landings were just shy of 25 million pounds; which is actually a 13 percent increase relative to 2015. Dead discards also increased, as you would expect with an increase in landings.

Recreational landings increased as well; 161,000 pounds landed, and 1.4 million estimated dead discards. Combined this is a 1.5

fold increase relative to 2015, but when we look at the proportion to the total it's really a small number, especially when we think about the quota, so no red flags there.

State compliance and *de minimis*, the Review Team reviewed all the state compliance reports. In 2016 all regions and states harvested within their quotas, and all states implemented regulations consistent with the requirements of the management plan. Additionally, under the spiny dog FMP, a state may be granted *de minimis* upon request if its landings are less than 1 percent of the coastwide landings. New York and Delaware both requested *de minimis* and met those requirements for 2017. That concludes the FMP Review. I'll take any questions.

CHAIRMAN BORDEN: **All right, questions on the report, are there any questions? Is there any objection to approving the report as submitted? No objections; the report stands approved.** The last item is Other Business. Does anybody have anything to raise? Can't do it without unanimous consent?

MS. KERNS: I just need to see the motion on the board really quick, just so the Board knows that that was the motion. All right, does someone care to make this motion; Doug, and then John? Doug.

MR. DOUGLAS E. GROUT: **Move to approve the 2017 FMP Review, State Compliance and *de minimis* status requests from New York and Delaware.**

CHAIRMAN BORDEN: **Seconded by John Clark; discussion on the motion. Any objections to the motion, the motion stands approved without objection.**

**OTHER BUSINESS**

CHAIRMAN BORDEN: We're on to Other Business. Does anyone have anything under other business? I have one item; it will only take like one minute. I talked Rob O'Reilly

assumes the Chairmanship of the Committee, and that will start at the next meeting.

One thing that I've been a little bit uncomfortable with about the proceedings of the Board, kind of over the last two years is we have a tendency to not discuss dogfish all year, and then come to this meeting and basically listen to the AP report, which usually comes from the Mid-Atlantic Council.

Whatever input we get from our individual state representatives. But we really don't get into a discussion of the pros and cons of different strategies that we might use to alter the dogfish regulations. My suggestion is rather than just keep repeating this, and I think Rob agrees with this. He can speak to it if he does not. It would be beneficial to add dogfish to the winter meeting, and then have each of the states basically go out between now and then, talk to your own industry. Ask them what works, what doesn't work, what we might change and so forth? Then carry on maybe on an hour discussion at the winter meeting; to see whether or not there are some common ideas that we might foster along during the period between now and a year from now.

Just so everyone is clear, a lot of the suggestions have been made about issues like trip limit being higher. Some people have suggested the trip limit ought to be lower. Having multiple trip limits. There are area-specific needs. In other words, if you look at the needs of a Chatham dog fisherman, they might be very different than the needs of a Virginia fisherman or a Maine fisherman, because of the transportation cost to get to the processing facilities.

We talked about marketing issues, product quality issues, and we can go back. We can have the staff go back and look at what the AP has said over the years, and kind of summarize those comments and circulate those if that would help. Let me just ask, is there any objection to doing that?

Does anyone around the table object to it? If you don't object to it then what we'll do is we'll send out a memo, and basically kind of summarize that in a memo. Then we'll put it on the agenda, and there will be a discussion. There won't be any proposed action. This is just for discussion purposes. Toni.

MS. KERNS: No objection, David, just if the winter meeting ends up being quite full, it's only a three-day meeting right now. If we hold off for that meeting until May, we would still have the ability to make recommendations for the SSC and the Monitoring Committee to explore any recommendations that would come out of the Board. Would it be okay if the timing were either the winter or the spring meeting?

CHAIRMAN BORDEN: Chairman elect, is that agreeable to the Chairman elect?

MR. O'REILLY: I don't know how much interest there would be, Mr. Chair. But it would be good to have a working group in advance of the May meeting to just have, even if it's a phone conversation that we could have with several who would be interested; because what you outlined are the types of events and issues and problems that I've listened to over the last several years.

I do think that we can probably avail ourselves of more of that information to make decisions. I'm hoping there would be a workgroup that would get together in the wintertime, and maybe even get here early before the meeting starts and flesh out some of this information.

CHAIRMAN BORDEN: Is there any objections to Rob's suggestion? If not the next Chairman of the Dogfish Committee is going to convene a working group to develop this. We look forward to your actions on this, Rob. Is there any other business to come before the Board? Yes. David Pierce.

DR. PIERCE: Well, on that particular initiative. Mr. Chairman, I certainly don't object to it. However, we do get a lot of input from the

spiny dogfish industry in Massachusetts before we come to this meeting; to get a better understanding as to what is going on, what's happening, what's going right, what's not going right. Frankly, I've been doing this now for quite a few years, and every year it seems to be the same thing in terms of what's missing, such as price. The dogfish are there in large numbers, but price is just not there so catch is down.

I'm not exactly sure what the working group is going to come up with. We've heard these discussions about increasing the limits or weekly limits. It's nothing new there. If a working group is going to be established to delve deeper into how to improve dogfish management that's okay.

I just wish that there were more processors for dogfish in other states and that the price would be reasonable. Otherwise, if those things don't change more processors and a better price, I think we're going to see the same situation year in and year out regarding spiny dogfish that is landings much lower than they could be or should be. I guess we'll be part of that working group, Mr. Chairman when it's set up.

#### **ADJOURNMENT**

CHAIRMAN BORDEN: Thanks David. Is there any other business to come before the Board? If not, meeting adjourned.

(Whereupon the meeting adjourned at 3:38 o'clock p.m. on October 16, 2017)

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