

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

**The Roosevelt Hotel
New York, New York
October 23, 2018**

Approved August 7, 2019

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1. **Approval of agenda** by consent (Page 1).
2. **Approval of proceedings of October 2017 by consent** (Page 1).
3. **Move that the spiny dogfish quota for 2019-2020 be set at 20,522,832 pounds; 2020-2021 be set at 23,194,835 pounds; 2021-2022 be set at 27,421,096 pounds** (Page 9). Motion by Maureen Davidson; second by David Borden. Motion carried (Page 11).
4. **Move to establish a 6,000 lb. trip limit for the 2019-2021 fishing seasons for the northern region (Maine-Connecticut)** (Page 11). Motion by David Borden; second by David Pierce. Motion carried (Page 11).
5. **Move to approve the nomination of Thomas Lyons (NH), Doug Freeney (MA), John Whiteside (MA), Scott MacDonald (VA) to the Spiny Dogfish Advisory Panel** (Page 12). Motion by Ritchie White; second by Ray Kane. Motion carried (Page 12).
6. **Move to nominate Chris Batsavage as Vice-Chair to the Spiny Dogfish Board** (Page 12). Motion by Mike Luisi; second by Ray Kane. Motion carried (Page 12).
7. **Move that the Spiny Dogfish Board explore the pros and cons of removing the federal trip limit with the intent to report to the Board at Winter Meeting. The Board requests that a letter be sent to the MAMFC requesting that federal trip limits be a 2019 priority item** (Page 14). Motion by David Borden; second by Ritchie White. Motion carried (Page 14).
8. **Motion to adjourn** by consent (Page 14).

ATTENDANCE

Board Members

Pat Keliher, ME (AA)	Emerson Hasbrouck, NY (GA)
Steve Train, ME (GA)	Maureen Davidson, NY, proxy for J. Gilmore (AA)
Renee Zobel, NH, proxy for D. Grout (AA)	Joe Cimino, NJ, proxy for L. Herrighty (AA)
G. Ritchie White, NH (GA)	Tom Fote, NJ (GA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	John Clark, DE, proxy for D. Saveikis (AA)
David Pierce, MA (AA)	Roy Miller, DE (GA)
Raymond Kane, MA (GA)	Russell Dize, MD (GA)
David Borden, RI (GA)	Mike Luisi, MD, proxy for D. Blazer (AA)
Eric Reid, RI, proxy for S. Sosnowski (LA)	Rob O'Reilly, VA, proxy for S. Bowman (AA), Chair
Justin Davis, CT, proxy for P. Aarrestad (AA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Bill Hyatt, CT (GA)	Michael Blanton, NC, proxy for Rep. Steinburg (LA)
Michael Falk, NY, proxy for Sen. Boyle (LA)	Peter Burns, NMFS

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

Ex-Officio Members

Staff

Robert Beal
Toni Kerns

Kirby Rootes-Murdy
Jessica Kuesel

Guests

Jason Didden, MAFMC

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Terrace Ballroom of the Roosevelt Hotel, New York, New York; Tuesday, October 23, 2018, and was called to order at 1:30 o'clock p.m. by Chairman Rob O'Reilly.

CALL TO ORDER

CHAIRMAN ROB O'REILLY: Okay I'm going to call the Spiny Dogfish Board Meeting to order.

APPROVAL OF AGENDA

CHAIRMAN O'REILLY: My name is Rob O'Reilly; and first thing I would like to ask the Board. You have a copy of the agenda. Are there any changes to the agenda? If there are raise your hand and we'll tackle that. Seeing no changes; by consent the agenda is approved.

APPROVAL OF PROCEEDINGS

CHAIRMAN O'REILLY: Also, looking for approval of the proceedings from the October, 2017 meeting, do I see anyone who is in opposition to approving that? The answer is no; so by consent we will approve the proceedings from October, 2017.

PUBLIC COMMENT

CHAIRMAN O'REILLY: We'll have public comment. I don't have any slips of anyone who signed up for public comment.

Nonetheless, if you have something that's pretty quick, and you wanted to talk to the Board, now is your opportunity. Is there anyone who wishes to do so? No, there isn't.

REVIEW THE 2018 STOCK ASSESSMENT UPDATE

CHAIRMAN O'REILLY: The next thing we're going to do is, Jason Didden is here from the Mid-Atlantic Council and he's going to Review the 2018 Stock Assessment Update. Jason.

MR. JASON T. DIDDEN: I'll dive right into it again; an overview of the Stock Assessment

Update and then kind of what that has meant for ABC projections and recommendations coming out from the Council's SSC. The last benchmark, so it's been quite a while since we've had a benchmark. We do have on the tentative NRCC schedule for another benchmark in 2021.

For the recent assessment update, not overfished in 2018, no overfishing in 2017, it's a little unusual that it's two different years. But it's just because of how that particular assessment works. I'll get into that in a bit later; but they do make the determinations on two different years with this particular assessment.

Overfishing not occurring is a bit below the reference point; and not overfished, but only at 67 percent of the target, so kind of getting down close to that 50 percent range on biomass. There are a lot of bells and whistles with any assessment; but with the spiny dogfish assessment it's basically coming almost straight out of the spring, Northeast Fisheries Science Center Survey.

That is what drives the bus on this assessment. It includes information coming out on pups, it includes information about uncertainty and the variance in the survey that it's getting, but the core thing is what that Science Center Spring Trawl Survey that really is the assessment. It's a fairly basic, swept area biomass calculation, again with some bells and whistles. We'll get into as you can see here. The black line here, those are just the individual survey data points. You can see that those bump around a lot from year to year. Those points, there is a three-year smoothing that goes on to try to eliminate some of that variability.

But I think it's still kind of an open question about how much the signal, even with the smoothing is real trends in biomass and how much is noise. There has been a variety of research in recent years that there is likely strong availability of the issues; both in terms of depth of where spiny dogfish are and spatially,

in terms of the habitat they use and the area that the survey samples.

Again there is a three-year smoothing that goes on there. You'll see a couple different color points right at the end there. The Council and the Council's SSC explored a couple different ways of smoothing the data. You can see; and the two blue lines that is basically the standard one coming out of the last benchmark, and that is what's used and that's what the SSC used.

They also looked at either excluding that low point in the second to last low point also considered looking at a Kalman filter; which is just kind of another slightly fancier smoothing feature that considers some of the variance in each data point. Ultimately they came back to the basic three year; but you can see that depending on exactly how you smooth that data, you get some pretty substantial changes.

There is a lot of noise that is being smoothed out here, and how exactly you smooth can have an effect where you think you are. One thing I wanted to flag was kind of where are we now relative to where we thought we would be. The dark blue line is just the projections that came out of the last assessment update we had back in 2015.

That line is where we projected we would be. Then I've got the 95 and 5 percent confidence intervals on those projections; the big single blue dot that is our current estimate. You can see we're basically fairly close to where we thought we would be, at least in terms of how the assessment is working; only a little bit lower than what is projected, and well within those confidence intervals.

Now again, how much of any of this is noise versus true trends in abundance is open to question. I think we'll probably get a lot of discussion at the next benchmark; but this is what we have now. That is where we thought we were. That is where we thought we would be now. Then this is the 2008 estimate in terms

of biomass. I forgot about those handy dandy little pop ups I had.

That is biomass; the other kind of component is on the fishing mortality side. It is basically looking what percent of the population is caught relative to the overall population. There is a lot that goes into that. I'm not going to go into all the details; but it's considering the information about growth, about recruitment, and then looking at basically what percent of the stock are you killing.

These are the fishing mortality estimates; again the blue line is kind of the basic method of the final terminal smoothing that came out of the last assessment. But again you can see depending on exactly how you smooth, your perspective on whether or not you're overfishing or not can change. But what the SSC went with is what came out of the last benchmark. There was a lot of discussion about whether or not to eliminate that low data point; that 2017 low data point, but in recent years that is actually the only year that the survey ran as it's supposed to run.

The year before and the year after there are a variety of survey performance issues; it left late, had to cut a bunch of stations in 2018. The SSC ultimately said yes, it seems low given life history. Is that what we think spiny dogfish is changing that much biomass? No, but given the low year was actually the only year of the three that it ran; that the survey performed in terms of timing and stations normally, they didn't see a reason to just totally jettison it.

Pup production again is one thing that goes into the projections. I can see the last four years have been kind of in the middle; not super high, not super low. You have the stock status, you've got fishing mortality, and then the projections are going forward. You're starting at one place; you've got a certain amount of fish coming in, a certain amount of fish going out, lots of details kind of typical things.

It's looking at the growth is sex specific, fishing mortality is sex specific. The reproduction, scales of the biomass. You have more biomass, more reproduction. It's not just fish in, fish out. But that is basically what they're trying to figure out here. It's all by length. We can kind of dive back into some of the details later; but again, basically the projections are making certain assumptions about growth, about recruitment, to try to determine starting at Place A, fish in, fish out.

This is using the standard three-year averaging; and the Council's risk policy advises the SSC on how to do these really what kind of projections to use. I have a quick kind of primer on the Risk Policy. One thing is really simple. If you have a lower stock size you're taking a certain percentage of that out, catch is going to be lower.

But the Council also says when stock size is lower we want a lower probability of overfishing. There is kind of a bit of a synergistic effect there. I kind of liken it to imagine you're entering a school zone, with that flashing yellow light. You're going to slow down for two reasons; one the speed limit is just lower that's like the stock size is lower.

But, I'm also going to slow down because there is a risk element, at least in Dover, Delaware where they really like to have speed traps in those zones, and so I've cut back partially because it's gone from 35 to 25. But I've also cut back partially because the risk of getting a ticket in that area is higher.

There is kind of a synergistic between A, just the stock size, and B the Council's risk of overfishing changes with the lower stock size. Then there is a third component; that is what our risk is. But that is also informed by our sense of uncertainty. The Council has basically said to the SSC; look at the uncertainty that comes out of the assessment, and make a judgment call.

Is the assessment accurate? That's the C.V., coefficient of variation, is that low or high? The

way I kind of think of it is if you had a real accurate speedometer on a car or an assessment; that's like a low CV. I'm driving this car, and let's say a speeding ticket is overfishing. Let's say the speed limit is 55. On that car if the speedometer says 60, I think probably a really low chance of getting a ticket. Now let's say you have a really inaccurate speedometer; which is like an inaccurate assessment.

Let's say you're driving this. Same situation, yes maybe you can't go 60, but that's another question. If the speedometer on this car says 60, I'm probably not real certain of my real speed; so I'm going to slow down maybe a bit more if I really want to avoid a ticket. The SSC also kind of imposes what its sense of uncertainty on that. If the SSC puts higher uncertainty, the calculations dial back.

You kind of have three things that really drive these projections. What is the stock size? Has it gotten low enough that the Council says we want to be less risky? Then given the uncertainty, and our desire to avoid that risk of overfishing, more uncertainty. We have to cut back even more. There are a couple things.

Stock size is below the target. Typically the Council wants 40 percent probability of overfishing; but since we're below the target those are the probabilities, around 26, 27, or 30 percent. As the stock size starts to increase the Council says, oh a little higher probability of overfishing is okay. The SSC bumped the CV up to 100 percent; and in order to achieve those probabilities of overfishing, it lowers the projections.

These are what they are. When you run it through the model you use that risk policy that sense of uncertainty; these are the ABCs total catches that both staff recommended and the SSC recommended, and the Council used. When you run those through the projection model, you can see that the stock slowly increases over the time of the specs.

I just have a few things again, so that assignment of uncertainty is important. It is part of what drives things. Just highlighting a few of the things that the SSC noted, A; those big jumps in the survey are unlikely to be representative of what's really occurring, some kind of availability, is it changes that work.

There is uncertainty in the size structure, concerns about how selectivity may change in the fishery between the sexes, concern about uncertainty and survival of dogfish that are discarded, just the general uncertainty in the biomass and the pup abundance estimates. Again, you saw those four different colors.

You know depending on how you smooth things it changes your answer a lot. The fact that small changes in how you're going to do some smoothing at the end has such a big influence on where you are. That indicates you have a fair bit of uncertainty. We're just using one survey. NEMAP isn't in there, and that is it for me, I'll stop. Thanks.

CHAIRMAN O'REILLY: We'll have a few questions; but I wanted to ask you, Jason. You mentioned the benchmark; and I talked to you a little before the meeting. That's scheduled for 2021 is my understanding.

MR. DIDDEN: Yes.

CHAIRMAN O'REILLY: The other idea is you had the fishing mortality rate graph up there; but the 2017 fishing mortality rate was about 0.21? It was not adjusted with Kalman and 2017 was kept in, is that correct?

MR. DIDDEN: Yes, the fishing mortality rate estimate for 2017 yes was 0.2.

CHAIRMAN O'REILLY: Questions for Jason. David Pierce.

DR. DAVID PIERCE: Jason, you and I have had a back and forth conversation about the status of the stock and what the SSC did. Could you put the figure back up that shows the SSB for over

time, and of course the lines connecting all the years? I just need to clarify one particular point. That right there, right. Now the value of female spawning stock biomass that was used in the three-year-moving average, 2016, '17, and '18 that's not the blue dot right that would be the one that's lowest on the graph, the black line?

MR. DIDDEN: The black lines are the actual annual estimates. There are two blue lines. The open circles are the swept area SSB; and then the light blue triangles that is with the dotted line. The blue triangles are the three-year-moving average and the closed blue circles are the stochastic SSB estimates. Again, it's basically the three-year average with some bells and whistles. Black is the year to year, the blues are the SSB estimates.

DR. PIERCE: Okay, so the three-year-moving average included the historically low 2017 estimates. All right, it's historically low; as it was back in the 1990s that led to a decision by the Mid-Atlantic Council to basically stop all landing of dogfish, and then that decision was revised. Can you again help us understand, help me understand?

Why, in light of the fact that we're no overfished, overfishing is not occurring, biomass is still on the high side? Why was that year 2017 used; especially when it indicated that we dropped from 175,000 metric tons down to 25,000 metric tons in one year, and that's impossible? I recognize there is uncertainty; nevertheless, why use it and not throw it out?

MR. DIDDEN: I guess you could always flip the question of given that was the only year where the survey ran kind of properly; why would you not keep it? I had substantial discussions with the Science Center on this same question. The Science Center I think did kind of an extra dive into the data; to kind of see is there anything about the performance of the survey that would suggest there is some issue besides it being low to throw it out.

I think the SSC said; just because it's low, there would have to be some other reason to discard it, other than it just being low. I mean my general sense is given how, especially given some of the papers that have come out on availability and distribution. I think the ramp up from 2005 to 2012, and then the drop down from '12 to now. Both are probably artifacts of availability.

I did do one kind of personal analysis; and it's in one of my supporting slides here. Could you flip like almost towards the end? On this it's really simple. I just graphed discards of female dogfish on trawl trips; what's the average amount of female dog greater than 8 centimeters discarded on your average trawl trip? You know you've got thousands of trawl trips; you have however many hundreds of trips get observed. I've kind of plotted on there the blue is the survey estimates. The orange there is my kind of personal index of metric tons of female discards per trawl trip. Now I suspect this is more of what's going on since fishery management started in the 2000s.

They've kind of had a slow and steady increase. That's kind of what you more would expect with the biology of spiny dogfish. I don't know, hopefully the benchmark, we kind of dive into some of those availability issues. If we get some more information on how that availability may be driving things; and maybe at that point folks decide to kill that 2017 data point. But I think folks were hesitant to kill it; just because it was low without any other rationale.

DR. PIERCE: One more question, Mr. Chairman.

CHAIRMAN O'REILLY: Go right ahead.

DR. PIERCE: This historically low data point will likely be used in the three-year-moving average as we move into the future; which is why I raised this question. Now back when the dogfish resource was in very sad shape, back in the 1990s, late 1990s, because fishermen were convinced and encouraged to remove the dogfish; because they compete with gadids.

When dogfish are up the cod and other gadids are down. Back then we were told that the average size of the females, mature females was going down; and we were told that the average size of the pups was going down, and we were told that the number of pups was very, very low, and you showed that on a previous graph.

Did the SSC consider, as part of their evaluation of where the numbers should be; the fact that according to the assessment the average size of females is still inclining upwards, the average size of pups is still going up, and the number of pups is still you know modest, not the way it was, although I still have problems with the pup index. Anyways that is all positive sign; so did that factor into any of the discussion about the use, for example, of that 2017 figure?

MR. DIDDEN: It certainly factored into their general discussion. I had thrown this up for them also; which again as you said shows that kind of slow increase since management started in the size of mature female spiny dogfish. You know I think they were also considering going with some of the methods that would have resulted in a more drastic reduction. I think some of these other kind of slow and steady increases that they saw, were probably a part of the reason why they went with what they did an not even something potentially substantially lower. But they did look at it.

DISCUSS ADJUSTMENTS TO FEDERAL COMMERCIAL TRIP LIMIT

CHAIRMAN O'REILLY: Other questions for Jason. Okay seeing none; we're going to move forward. You probably know that we have about an hour altogether. Kirby Rootes-Murdy will make a presentation now concerning the adjustments to the federal commercial trip limit.

MR. KIRBY ROOTES-MURDY: Just getting my presentation up. We structured this to have the Board consider if they want to make any recommendations on the federal trip limit

before setting specifications. I just ask that you kind of keep in mind the presentation Jason gave you; and we'll come back when we get to the actual 2019 to 2021 specifications.

With that said I'll go through my presentation now. It's just an outline; I'm going to give a little bit of background, some of the recent management actions that the Mid-Atlantic Council and the New England Council took over the last month and a half, and then talk about considerations as you move into what you want to consider and put in place for 2019 through 2021 specifications. Then we can talk about next steps.

In terms of the federal trip limit, there is a federal specification process as you all are aware; that specifies what the commercial quota will be, as well as any recommendation of additional measures. The federal trip limit has become one of those things that are annually specified by the Mid-Atlantic Council and New England Fishery Management Council.

As you all know they have a joint management plan; and they can do multiyear specifications under that. I bring up this point that there are a number of measures that they can recommend. But the federal trip limit is not actually a component that says that they have to by the provisions of the FMP, the federal FMP, set one every year.

It's become kind of the norm that it's in place. Leaving that aside. On our end, on the Commission side, the state specification process kind of mirrors somewhat the federal FMP; as we have a complementary plan to it, and that the Board sets commercial quotas and trip limits for the northern region.

That was established through the Commission's FMP back in 2002. Multiyear specifications was established through Addendum II, and then the northern region trip limit, which is what this Board will have to specify later on in this meeting. That was outlined in Addendum III.

New York through North Carolina set their own trip limits based on the quota they have.

This Board does not set that up annually or on a multiyear basis; it's left up to the states to manage the quota as best they see needed. As you probably saw we had in the briefing materials a letter that was sent to both this Board and the Mid-Atlantic Council; discussing the possibility of not setting a federal trip limit, and discussing that concept with Mid-Atlantic Council staff, GARFO staff, and New England Fishery Management Council staff.

Doing so that is just not setting a federal trip limit would likely require a framework or an amendment to the federal FMP; and the reason why is that that change would be a significant change, in terms of the annual process. Depending on what kind of change it is, whether it's setting a much higher trip limit or something different from a set per trip poundage.

It may require either an amendment, which would be more significant. Or it could be done through a framework. I also include here what the federal trip limits have been over time. As you can see from 2007 through 2012, it was set at 3,000 pounds; and then over the years it's kind of ramped up a bit, up to where we are now where the 2016 to 2018 specifications had it set at 6,000 pounds. In terms of recent action; as I mentioned we have the letter that David Borden wrote to the Board and Mid-Atlantic Council. The New England Fishery Management Council recommended that the Mid-Atlantic increase the federal trip limit to 8,000 pounds; and that an action be considered removing it altogether.

Earlier this month the Mid-Atlantic Council in turn decided to recommend that the federal trip limit be set at 6,000 pounds for the next specification process; so for the next three years it would be set at 6,000 pounds. The Mid-Atlantic Council also made a motion to address the federal trip limit through action; which would include either potentially removing it, by

adding it to the list of priorities for the 2019 year.

In doing so it could be something that would be addressed by staff; working with us and GARFO to determine whether a framework or amendment is needed. But that will be up for the Mid-Atlantic Council to consider in December. For you guys considerations today, the Board could have a discussion on whether to make any recommendations for setting the federal trip limit at a different level than 6,000 pounds.

Again that would just be a recommendation. The Board does not annually have to do that; rather the Board is just going to set the specifications for state waters, in particular the trip limit for that northern region of Maine through Connecticut. As I said; in December the New England Fishery Management Council will actually make their recommendation to NOAA on what the federal trip limit should be.

It should be clear that if there is a disagreement between what the Mid-Atlantic Council put forward in their recommendation to NOAA Fisheries, and what the New England Council puts forward in their recommendation, then NOAA Fisheries can pretty much set the federal trip limit at anything that was not rejected by both councils. Again, the Mid-Atlantic Council will set their work priorities in 2019 in December. With that I will take any questions.

CHAIRMAN O'REILLY: Eric Reid.

MR. ERIC REID: Kirby, I'm pretty sure that New England's action was up to 8,000 pounds; not 8,000 pounds. It was some number between 0 and 8,000.

MR. ROOTES-MURDY: Thank you Eric, that is correct. That's an important distinction.

CHAIRMAN O'REILLY: David Pierce.

DR. PIERCE: Kirby, you gave a very good summary of the background material. I need

you to refresh my memory if you can. I believe that the reason for there being no trip limits, federal limits, from New York to the south was that there was an expectation that the processors or some processors would actually come into play; that there would be processing capacity in the Mid-Atlantic, because at that time and now the processors are in Massachusetts. That's where the processors are in Massachusetts. Am I right with that background statement that there was an expectation that there would be processors in the Mid-Atlantic to take advantage of all the dogfish that would be coming in with no limits?

MR. ROOTES-MURDY: David, I would actually defer to you on that. I have not worked on this plan long enough to know for sure. Just to clarify. The federal trip limit applies to federal waters; so it goes up and down the coast. The states of North Carolina through New York, they set their trip limit for state waters.

What that means is you have federally permitted fishermen going out and fishing. They're held to whatever the more restrictive measure is; so in turn if the state trip limit is higher and they have a federal permit, then they have to abide by the federal trip limit.

CHAIRMAN O'REILLY: David, I think that was one of the ideas. I can't remember that that was really a driving force on having the processors in the Mid-Atlantic. But there certainly was talk at the time of developing that; and as you know that didn't develop. But I mean we could look back and make certain as to what was the driving force.

MR. DIDDEN: When our Advisory Panel meets we get kind of a wide range on input; everything from no trip limits for North Carolina reduction fishery to lower the trip limits from where they are now to make sure that there aren't closures. Again, some of the Rhode Island stuff maybe some shipping would be easier with certain things.

New York would like maybe some kind of bi-monthly trip limit; and since there are differential impacts on the regions of changing that federal trip limit, I think was one of the reasons why the Council thought shift that discussion to a framework. Then the public kind of would have more warning, more opportunity to participate and kind of express those concerns.

CHAIRMAN O'REILLY: Are there any other questions? Eric Reid.

MR. REID: Just to David Pierce's point to his question. The ability to take advantage of economies of scale is really what, the way I understand it, drove the southern trip limit. Dogfish is a relatively inexpensive protein. If your trip limit is 4,000 pounds for example; pick a number any number. To fill a truck it takes you several trips or several days; however you want to look at it.

The processors currently are all in New Bedford. There was at one time in Virginia; but it burnt down many years ago. I'm not sure if the fire is out yet or not; but it burnt down some time ago. That was the driving factor; it was the pure economics of an inexpensive protein, and getting it to where it actually can be processed, and being able to take advantage of a pretty substantial economy of scale.

CHAIRMAN O'REILLY: Anyone else on the federal trip limit issue? If not; we're going to move towards some action items that will require some motions, and Kirby will be first.

REVIEW AND SET 2019-2021 SPECIFICATIONS

MR. ROOTES-MURDY: I'll go through the 2019 through 2021 Fishery Specifications for Spiny Dogfish. Just an overview, I'm going to give some background, the Advisory Panel report, some landings update, and then those specifications that were approved by the Mid-Atlantic Council.

As I walked through in the previous presentation, it's a jointly managed plan between the Mid-Atlantic Council and the New England Fishery Management Council. The Board, the Commission has a complementary plan to that joint plan. We are in the last year, the ending year of a three-year specification cycle.

What's before the Board today will be setting specifications for 2019 through up to 2021. The Advisory Panel met back in, I believe it was September, and some of the big things that came up that are not uncommon on the Advisory Panel reports are that market and that demand is really driving the fishery, in terms of the catch.

There is currently a weak market demand; and in turn that's why when we get to the landings you'll see that they're not tracking quite as closely with the quota, in terms of possibly hitting the quota by the end of the year. As Jason noted, the other thing that came up during the AP call was whether abundance is truly being measured by the survey or not.

That applies also to catch. Boats have, we're hearing from AP members, have no problem catching the trip limit; it's just a matter of whether it's worth their while to go out and catch them. Issues were raised by AP members regarding the data from the Northeast Fisheries Science Center Trawl Survey; as well as the stock assessment, in terms of the overall stock size.

They expressed concern that the survey and the assessment don't really reflect what they are seeing on the water. In terms of looking at how a federal trip limit or state trip limits should change over time, many cautioned that it would be best that there was a more slow and steady approach if there is an interest in changing them; either increasing them or moving to some kind of more, broader weekly limit. This slide here just is trying to show you guys how landings have tracked with the quota over the years.

**REVIEW MID-ATLANTIC FISHERY
MANAGEMENT COUNCIL'S RECOMMENDED
2019-2021 SPECIFICATIONS**

Pretty much from 2011 onward there has kind of been a big divergence between what the quota is and where landings have kind of landed at the end of the year. As you can see the gap probably was most pronounced in 2015-2016; as the quota, there was a big drop off in 2016 in the last specification process. It was about a 30 percent reduction from the previous year. As you can see landings have also kind of tracked downward.

But there has been, as you can see, quite a bit of a gap between where those two are. In looking at the landings report through October 17, you can see here that we have if you were to equally parse out the landings through the end of the year to hit the quota; that's the green line. The orange line shows you where the overall track of landings was for the previous year.

The blue line here shows you where we're at relative to those kind of too. You can see that for this year so far, we're actually tracking well below what we were last year; and likely well below hitting the quota for the 2018-2019 seasons. This is what the breakdown is at the state-by-state and regional level; in terms of landings through this point.

As you can see the big number to keep in mind at the bottom right is that we're at about 21 percent of the overall coastwide quota. Jason noted the recommendations from the Mid-Atlantic Council. They applied their risk policy; and the ABC was calculated using 100 percent CV. I think Jason's analogy I think was very helpful. Hopefully you guys better understand how a CV is set, and what it means for setting the Acceptable Biological Catch. The Monitoring Committee didn't recommend any changes to the ABC or quota from the SSC; and they also didn't specify any management uncertainty.

MR. ROOTES-MURDY: As we noted, the Mid-Atlantic Council approved the commercial quota as derived from the SSC's recommended Acceptable Biological Catch.

This table here shows you what that breakdown is from the OFL, the overfishing limit down to the ABC, all the way down to what the commercial quota is. For 2019 what that results in is a quota starting at 20.5 million pounds. That is about a 46 percent reduction from the 2018 quota; which is at 38 million pounds.

For 2020 and then 2021, it ramps back up increasing to 23.1, and then 27.4 million pounds. In summary, as the AP noted catch is driven by markets and price. The assessment update shows the decline in 2017, a slight increase in 2018, but not enough to overcome that and therefore we are dealing with a much lower quota. It was noted in the assessment and by AP members there are concerns about whether the survey is tracking abundance or availability.

Landings for the first half of the year, as I said, are about 21 percent of the quota; and the Mid-Atlantic approved harvest specifications for 2019 through '21, and recommended the federal trip limit be at 6,000 pounds. As I noted, it's about a 46 percent decrease from our current year's commercial quota. For next steps, this Board needs to set the commercial quota; as well as set the northern region trip limit in state waters. With that I'll take any questions.

CHAIRMAN O'REILLY: Questions for Kirby. Seeing none; I think we have some motions prepared. If we could do the coastwide quota first that would be good; and we'll get someone to make that motion and second it. Thank you, Maureen.

MS. MAUREEN DAVIDSON: I move that the spiny dogfish quota for 2019-2020 be set at 20,522,832 pounds; 2020-2021 be set at 23,194,835 pounds; 2021-2022 be set at 27,421,096 pounds.

CHAIRMAN O'REILLY: Is there a second to that motion; David Borden? Is there discussion on the motion; David Pierce and then David Borden?

DR. PIERCE: Yes, I recognize that landings have been down far lower than what the quota has been; and I recognizes the fact that indeed market demand has, you know price to fishermen and price to process as market demand has been very instrumental in causing that shortfall; that is catch not equaling or approaching the quota that has been available. I appreciate all of that because of a paper that was prepared by my agency, you know by the Division of Marine Fisheries.

Actually, we asked for this paper to be produced and it was prepared by some contractors. This was done on behalf of our Seafood Marketing Program; the Steering Committee. The copies are on the table and I hope that as this Board progresses and continues this discussion about quotas down the road, and about trip limits that this economic analysis be appreciated. Some good work was done by the contractors to highlight the economic problems that the industry faces regarding taking full advantage of the quotas that are available. Now I'm not going to support the motion for one reason only; and I've made it clear that I do not believe that that 2017 data point should have been used. It's historically low. It should have been discarded.

I recognize why the SSC did not discard it, why they included it. But it has life; that historical low data point has life, it will be used in the next year's three-year-moving average, and then it impacts these numbers, it creates these numbers. Just a matter of principle and my understanding of how these assessments are done, I'm not going to support the motion.

CHAIRMAN O'REILLY: David Borden.

MR. DAVID V. BORDEN: I similarly have qualms about the 2017 data point, but where I really see this sitting is that we have a couple of choices. We either accept it, we reject it, we remand it back to the Mid-Atlantic Council and request them to have the SSC revisit it, for reasons that have not been entered into the record today. As far as I'm concerned this is really the only option we have.

CHAIRMAN O'REILLY: Roy Miller.

MR. ROY W. MILLER: Mr. Chairman, the motion itself should be adjusted. The word million should be removed the three times that it appears.

CHAIRMAN O'REILLY: Thank you, Roy that will be done. Are there any other comments, Tom Fote?

MR. THOMAS P. FOTE: I have to say this. I'm in agreement with Dave Pierce for about the same reasons. I also realize that if the projections would have showed that dramatic increase instead of reduction we would have basically been told; well we don't have any confidence in the numbers, and we wouldn't have gotten the increase. That is what always upsets me on this. I'm not about to support outliers that basically make decisions that are drastic. I'm on the mind with Dave.

CHAIRMAN O'REILLY: Emerson Hasbrouck.

MR. EMERSON C. HASBROUCK: I have two questions. One is I don't recall the numbers from one of the previous slides. But I'm wondering what these quota numbers are relative to what the catch has been for the past couple of years. What's the difference between these quota numbers and what the catch was the last couple years? That's the first question; and then I have a second question.

CHAIRMAN O'REILLY: Jason, do you have those numbers? I think it is 18 million currently; around there. But I think 2016 was 24 million. But Jason may have the hard data.

MR. ROOTES-MURDY: I don't have the exact number off the top of my head; but what we do have, I think for you to help kind of get a visual sense of it, is on my Slide 5 on my presentation. You can see where it's tracked between 20 and 30 million pounds; and so it has kind of bounced around that. Then in 2017 as you can see it was below it at about 17 million pounds, I think is what we were saying for 2017.

CHAIRMAN O'REILLY: Emerson, another question.

MR. HASBROUCK: My second question is, and maybe I missed it, because I was personally distracted here doing something else. If we're not overfished and overfishing is not occurring; why is there a need for the significant reduction in quota, Jason, without having to go through your presentation again about uncertainty and so forth?

MR. DIDDEN: I think just at the catches that we've observed overfishing has not occurred. But if catches had been much higher along the kind of what the maximum quota could have been; I think you probably would have gotten into that overfishing realm. It's basically to keep it from overfishing, and also it's only at 63 or 67 percent of the target. In order to let it build back up to 100 percent of the target, it's a combination of those two things really driving. Again, not reducing landings, but reducing the quota.

CHAIRMAN O'REILLY: Any final comment before we caucus? Go ahead, let's have a one minute caucus and then we'll take a vote on the next three years of quota specs. Did everyone have enough time? I'm going to read the motion into the record; and then we'll take the vote.

Move that the spiny dogfish quota for 2019-2020 be set at 20,522,832 pounds; that the 2020-2021 spiny dogfish quota be set at 23,194,835 pounds; and also for the 2021-2022 season, the spiny dogfish quota be set at 27,421,096 pounds.

All those who are in favor of the motion please raise your hand; and we'll try and count you; 11, opposed like sign. All opposed like sign; I don't see anybody, abstentions, and null votes, 11, 0, 0, 1 null, motion carries. Next thing is to have a motion concerning the northern region; and I think that's already been prepared as well. Okay we'll need someone to make that motion, apparently on the trip limits to the northern region.

MR. BORDEN: Mr. Chairman.

CHAIRMAN O'REILLY: Someone needs to save a motion. David Borden.

MR. BORDEN: Well, I don't have a motion, but did the staff prepare a draft motion on this? If they could put it up on the board that would be helpful.

CHAIRMAN O'REILLY: I think we're having dueling ideas here on that. Dave Borden.

MR. BORDEN: I'll make that as a motion with a 6,000 pound trip limit.

CHAIRMAN O'REILLY: Thank you David and David Pierce second. When the motion is up there I'll read it; and then I'll first ask if there is any objection to the motion. **The motion is; Move to establish a 6,000 lb trip limit for the 2019-2021 fishing seasons for the northern region (Maine through Connecticut.) Is there any opposition to that motion? Seeing no opposition the motion passes.** Thank you, not quite done.

NOMINATIONS TO THE SPINY DOGFISH ADVISORY PANEL

CHAIRMAN O'REILLY: Tina Berger is going to give us information concerning there are four

nominees to the Advisory Panel, so Tina is joining us.

MS. TINA BERGER: Thank you, Mr. Chair. I offer for your consideration and approval four nominees to the Spiny Dogfish AP; they are Thomas Lyons, a commercial gill netter from New Hampshire, Doug Feeney, a commercial hook and line and gill netter from Massachusetts, John Whiteside, a commercial industry attorney, also from Massachusetts, and Scott MacDonald, a processor from Virginia.

CHAIRMAN O'REILLY: Are there any questions or comments from the Board concerning the nominees; would one or more of you, okay Ritchie White?

MR. G. RITCHIE WHITE: Move to approve the slate of nominees as presented by Tina.

CHAIRMAN O'REILLY: Is there a second; second from Ray? Are there any other comments or discussion on the four nominees? **I'm going to read this into the record. Move to approve the nomination of Thomas Lyons (NH), Doug Feeney (MA), John Whiteside (MA), and Scott McDonald (VA) to the Spiny Dogfish Advisory Panel.**

Is there any opposition to this motion? Seeing no opposition; we have some new Advisory Panel members, thank you everyone.

ELECTION OF VICE-CHAIR

CHAIRMAN O'REILLY: If you're following along, we're on Number 8 in the agenda. What we need now is a recommendation. There is no current Vice-Chair, and looking for someone to make that recommendation. Mike Luisi.

MR. MICHAEL LUISI: I move to nominate Chris Batsavage to serve as Vice-Chair to the Spiny Dogfish Board.

CHAIRMAN O'REILLY: Thank you, Mike, is there a second; second from Ray.

MR. LUISI: Chris would be taking over as soon as the 2017 data point falls out of the three-year average; so good luck, Chris.

MR. CHRIS BATSAVAGE: That works for me; thanks, Mike.

CHAIRMAN O'REILLY: Are there any other nominations? Nomination is closed and by acclamation we welcome Chris Batsavage to the 2017 data point.

I understand we have a little bit of other business. David Borden.

OTHER BUSINESS

MR. BORDEN: Basically, I had submitted a letter to the Board; to Rob and the Mid-Atlantic Council during the monitoring discussions. I'll just give you a quick background and keep this fairly short. The request was to have the process basically review the pros and cons of eliminating the federal trip limit. I would note while I'm on this, the discussion by Jason and the Mid-Atlantic Advisors.

I've listened to that and reviewed the documents for a number of years. It's a really useful piece of input; in terms of what the Advisors recommend. This year I listened to that discussion. At the end of the discussion I basically made the suggestion and submitted the letter regarding the removal of the federal trip limit. Some common themes that run through those Advisory comments, and I'll make these really brief. Not harvesting the quota, the discard rates were extremely high as the staff noted; some of which is caused by the federal trip limits for the regulatory discards.

There is a lack of flexibility on the part of particularly the northern states to kind of address their particular situation. Eric Reid commented on the issue of economy of scale, Peter Kendall in New Hampshire made almost identical comments at the New England Council meeting. A general conclusion, my conclusion from listening to the comments is this one sized

rule fits all doesn't necessarily work the way we intend it to work.

As both Jason and Kirby noted, we manage these two fisheries differently; the Mid-Atlantic Council has a quota system; and then the freedom within state waters to adopt their own trip limits. New England Council has a regional quota and a standardized federal trip limit. But as soon as the Mid-Atlantic boats in the fishery move into federal waters, then they have to adhere to the federal trip limit.

Since we're not achieving the quotas in these areas that makes little sense to me. I asked myself, why do we need a federal trip limit? My conclusion from all of that was we ought to have a discussion about eliminating the trip limit. The Mid-Atlantic Council and the New England Council both have taken the position that they want to examine the pros and cons of this strategy.

I think the Mid-Atlantic Council and Jason correct me if I misspeak, basically concluded that that might be a priority that they would set in December. But we won't know until December. I think there are two questions for the Board. You've got two Councils that are kind of pursuing that. The National Marine Fisheries Service voted in favor of the strategy when it came up at the Council meetings; I was in the audience. I think the votes on the part of the states that are represented around this table were almost unanimous; if you looked at the individual votes.

The first question is to the group, do we want to participate in that discussion, and my answer is yes. I think it's useful to do that. Then I think if we get a consensus on that point, then I can suggest a course of action that we could follow, which would kind of simplify it. I guess my question to you, Mr. Chairman, as to the Board; do we want to consider the pros and cons of eliminating a trip limit? I can make a motion; but I don't think it's necessary.

CHAIRMAN O'REILLY: What I didn't mention earlier, there has not been a Spiny Dogfish Board Meeting since last year. But in the meantime there were two Working Group meetings that were held; Raymond Kane and David Borden, Adam Nowalsky, Doug Grout, myself, Jason Didden, representative from New England Council, representatives from NMFS, and there were conference calls. But perhaps that's the way to start this and get the pros and cons that way, David. That would be my suggestion. David.

MR. BORDEN: That would be fine. Let me just make a process suggestion. If the Board is willing to do this, then I think we've got the time. I'm not asking the Board to take any action at this point; and by that I'll be explicit. I'm not asking the Board to start an addendum. I'm saying just carry on a dialogue on this issue; and flesh it out some more. We have the advantage of there is a New England Council meeting in December; there is also a Mid-Atlantic Council meeting in December. If we had for instance, a conference call as you suggest between now and then.

It might be useful to have a conference call that involves the Mid-Atlantic States, because they have a different factual basis for making any determination on that; and a conference call that would involve the New England States. Then possibly we could discuss it in conjunction with those meetings that are already scheduled; and then bring some kind of recommendation back to the Board.

CHAIRMAN O'REILLY: David Pierce.

DR. PIERCE: I agree with David Borden. The discussion should continue; and now that discussion can be informed by the analysis that I referenced earlier on, the economic analysis of spiny dogfish historical trends, future markets and implications for management action. This particular analysis was not made available to the Mid-Atlantic Council for its consideration.

It was made available to the Executive Director of the New England Council; and it was not distributed to the New England Council members for their consideration. It's now out there. It can be used; along with whatever else, to again inform discussion following the procedure that David suggested.

CHAIRMAN O'REILLY: David Borden, I think we just talk a little bit more and figure out how to get those conferences going.

MR. BORDEN: Would you like a motion? Would it simplify this if I made it?

CHAIRMAN O'REILLY: I think the whole Board should say that this is a good idea.

MR. BORDEN: Okay, so I'll make a motion that we move that the Dogfish Board explore the pros and cons associated with removing the federal trip limit with the intent to report to the Board at the winter meeting.

CHAIRMAN O'REILLY: Seconded by Ritchie White, discussion on the motion that you can't see but I hope you heard it. It all involves this push about moving away the federal trip limit; any comments? Since it started out really as a straw process by David Borden to get something going here; I think it's probably enough just to ask you if you have any opposition to what you heard that we move forward with this. If there is no opposition that sounds great, thank you very much, Mike Luisi.

MR. LUISI: In putting on my Council Chair hat at the Mid. As has been mentioned during the presentations earlier, the Executive Committee of the Mid-Atlantic Council added this consideration of a potential change or removal of the federal trip limit to their draft 2019 priorities, which will be discussed in December and finalized. I'm trying to figure out how this Board can strengthen that suggestion that the Mid-Atlantic Council leave that bullet in their 2019 priorities. Like I said, it's a draft right now; the priorities will be discussed by the Full Council in December. By the passing of this

motion I'm looking at it as intent to explore that concept of changes and/or removal perhaps of the federal trip limit. Mr. Chairman, I don't know if that message could come from you at the time when we're having this discussion at the Council, or do you think there might need to be more of a formal statement from the Board to the Mid-Atlantic Council to leave this issue in their 2019 priorities for consideration at a future date?

CHAIRMAN O'REILLY: I certainly don't mind doing that. But it would be better to have the Board behind that if we had a letter to go along with that. That would be the way to do that. Is that okay, Bob?

EXECUTIVE DIRECTOR ROBERT E. BEAL: I think a letter would carry the full intent of the Board. **One option could be to just add a second sentence to this and say the Board requests that a letter be sent to the Mid-Atlantic Council requesting that the trip limit issue be a priority for their 2019 Action Plan.**

CHAIRMAN O'REILLY: Dave is that okay with you; Ritchie, okay thank you? Okay, well good discussion and I would love to have a motion to adjourn.

CHAIRMAN O'REILLY: Oh, Kirby is reining me in. **Okay, we have to vote on this. We did do a no objection; but we'll do it again if you would like. Can we do a no objection? Is there any objection to the motion on the board? Okay that sounds like before.** Thank you very much. We're not going anywhere yet. Jason has a second idea here for you.

MR. DIDDEN: Just a small technical thing. The Massachusetts report was provided to the Mid-Atlantic SSCs and the Mid-Atlantic Council and briefing materials during their deliberations. That's all, just clarification.

ADJOURNMENT

CHAIRMAN O'REILLY: Thank you, Jason; we are adjourned, thank you.

Proceedings of the Spiny Dogfish Management Board Meeting October 2018

(Whereupon the meeting adjourned at 2:36
o'clock a.m. on October 23, 2018)
