

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

**August 29, 2002
The Watergate
Washington, DC**

Approved November 18, 2002

ATTENDANCE

Board Members

George Lapointe, Maine DMR
Pat White, Maine Gov. Apte.
David Pierce, Massachusetts DMF
Bill Alder, Massachusetts Gov. Apte.
Vito Calomo, proxy for Rep. Verga
David Borden, Rhode Island DEM
Gil Pope, Rhode Island Gov. Apte.
Eric Smith, Connecticut DMR
Gordon Colvin, New York DEC
Pat Augustine, New York Gov. Apte.
Brian Culhane, proxy for Senator Johnson (NY)
Bruce Freeman, New Jersey DFG&W
Tom Fote, New Jersey Gov. Apte.

John De Persenaire, proxy for Assemblyman Smith (NJ)
Roy Miller, Delaware DFW
Eric Schwaab, Maryland DNR
Bill Goldsborough, Maryland Gov. Apte.
Jack Travelstead, Virginia MRC
Fentress Munden, Chair, North Carolina, DMF
Melvin Shepard, proxy for Rep. Redwine (NC)
John Miglarese, South Carolina DNR
David Cupka, South Carolina Gov. Apte.
Susan Shipman, Georgia DNR
Roy Crabtree, proxy for Ken Haddad (FL MRC)
Harold Mears, NMFS
Bill Cole, USFWS

Ex-Officio Members

Steven Correia, MADMF, TC Chair

ASMFC Staff

Megan Gamble
Bob Beal
Tina Berger
Vince O'Shea

Carrie Selberg
Joe Desfosse
Heather Stirratt

Guests

Jim Armstrong, MAFMC
Rich Seagraves, MAFMC
Anne Lange, NMFS

Preston Pate, North Carolina DMF
Sonja Fordham, The Ocean Conservancy
Colin McIff, State Department, Office of Marine Conservation

There may have been others in attendance who did not sign the attendance sheet.

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MOTIONS

1. Move to nominate Gil Pope as the Vice-Chair of the Spiny Dogfish Management Board.

Motion by Borden, second by Mr. Augustine; Motion carries.

2. Move to adopt Option 1, the 100% spawning stock biomass target.

Motion by Mr. Schwaab, second by Mr. Augustine; Motion carries.

Original Motion:

3. Move to adopt Option 2, a rebuilding schedule consistent with the time necessary to rebuild if an F of 0.03 is maintained.

Motion by Mr. Augustine, second by Mr. Mears.

Substitute Motion #1:

4. Move to substitute with Option 3, a rebuilding schedule consistent with the time necessary to rebuild if the constant quota of 8.82 million pounds is maintained.

Motion by Dr. Pierce, second by Mr. P. White; Motion fails (2 in favor, 11 opposed, 2 null).

Substitute Motion #2:

5. Move to substitute with Option 4, a rebuilding schedule consistent with the time necessary to rebuild if the constant quota of 5.5 million pounds is maintained.

Motion by Dr. Pierce, second by Mr. Pope; Motion fails (2 in favor, 12 opposed, 1 null).

Original motion carries.

6. Move that the Board request the Northeast Regional Coordinating Council, specifically the Regional Administrator, to schedule a joint US/Canada assessment of the dogfish stock. Further, the US/Canada steering committee should initiate discussions with the Canadians on a sharing agreement governing harvest of this transboundary resource.

Motion by Mr. Borden, second by Mr. Lapointe; Motion carries.

7. Move to adopt Option 3 for the Management Strategy, whereby a constant fishing mortality rate of F = 0.03 would be maintained.

Motion by Mr. Augustine, second by Mr. Cole; Motion carries.

8. Move to adopt Option 1 for the fishing year, May 1 to April 30, to be consistent with the Federal FMP.

Motion by Mr. Augustine, second by Mr. Freeman; Motion carries.

Original Motion:

9. Move to allocate the commercial dogfish quota on a 50:50 basis by two regions; Maine through New York, and New Jersey through North Carolina.

Motion by Dr. Pierce, second by Mr. Freeman.

Substitute Motion:

10. Move to substitute that Option 1a (semi-annual allocation of the quota that uses the same criteria as the federal FMP) be adopted.

Motion by Mr. Colvin, second by Mr. Cupka; Motion to substitute carries.

Substitute motion carries.

11. Motion to approve Option 1 for quota specification on an annual basis.

Motion by Mr. Augustine, second by Mr. Freeman; Motion carries.

12. Move to approve Option 2, quota overages will be deducted from the semi-annual period with the overage in the subsequent year.

Motion by Augustine, second by Mr. Freeman; Motion carries.

Original Motion:

13. Move adoption of Option 3, for quota rollovers, where the unused portion of the annual coastwide quota may be added to the subsequent year's total allowable landings.

Motion by Dr. Pierce, second by Mr. Pope.

Substitute Motion:

14. Move to substitute Option 1, no rollover of unused quota until the stock has rebuilt to the target SSB.

Motion by Mr. Cupka, second by Mr. Culhane; Motion to substitute carries.

Substitute motion carries.

Original motion:

15. Move to adopt an approach consistent with Option 4, such that the setting of trip limits be set annually through the annual quota specification process.

Motion by Mr. Colvin, second by Mr. Freeman.

16. Move to substitute Option 2, a 7,000 pound trip limit.

Motion by Dr. Pierce, second by Mr. Pope; Motion to substitute fails.

Original motion carries.

17. Move to adopt option 3 for biomedical supply whereby no quota will be designated specifically for biomedical supply and scientific research.

Motion by Mr. Augustine, second by Mr. Freeman; Motion carries.

18. Motion to table the discussion of implementation until the November 2003 Annual Meeting.

Motion by Mr. Pate, second by Dr. Miglarese; Motion carries.

**ATLANTIC STATES MARINE FISHERIES
COMMISSION**

**SPINY DOGFISH AND COASTAL SHARK
MANAGEMENT BOARD**

**The Watergate
Washington, D.C.
August 29, 2002**

The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Monticello Room of the Swissotel Washington, The Watergate, Washington, D.C., Thursday, August 29, 2002, and was called to order at 8:00 o'clock a.m. by Chairman Red Munden.

WELCOME & INTRODUCTIONS

CHAIRMAN RED MUNDEN: I request that all board members please take a seat at the table, please. Good morning. I would like to welcome you to the Spiny Dogfish and Coastal Shark Management Board. The meeting is now called to order.

By looking around the table, I can see we have enough members here to constitute a quorum, and I don't see any need to call the roll.

BOARD CONSENT

CHAIRMAN RED MUNDEN: You should have a copy of today's agenda in your briefing materials. I would ask if there are any changes to the agenda. Seeing no desire to have any changes to the agenda, any objections to approving the agenda and the proceedings of the May 21, 2002, board meeting? No objection.

ELECTION OF A VICE CHAIR

CHAIRMAN RED MUNDEN: The next item that we have on the agenda is the election of a vice-chairman. Some of you may recall that at our May meeting I was elected vice-chairman. I thought that I would serve as vice-chairman for a year or two, possibly, to become more familiar with the procedures for ASMFC meetings.

And after the meeting, John Connell came up and said,

"I'm really glad that you decided to be a candidate for vice-chairman because this is probably my last meeting". I guess by default I am your chairman.

Vince hasn't told me that I'm your chairman because Vince hasn't told me that I'm still vice-chairman. Now he tells me that I am the chairman.

I would like to ask the board members for nominations for vice-chairman of the Spiny Dogfish and Coastal Shark Management Board. Do we have any nominations for vice-chairman? Dave Borden.

MR. DAVID V.D. BORDEN: I nominate Gil Pope.

CHAIRMAN MUNDEN: Dave Borden nominates Gil Pope.

MR. WILLIAM A. ADLER: I second it.

CHAIRMAN MUNDEN: Second by Bill Adler.

MR. PATRICK AUGUSTINE: Move to close nominations and cast one vote. Congratulations, Gil.

CHAIRMAN MUNDEN: Dave Borden.

MR. BORDEN: I would note for the record, Mr. Chairman, that will be the last time he ever asks me to buy a muffin for him.

MR. GIL POPE: That is right.

CHAIRMAN MUNDEN: I welcome Gil Pope as the vice-chairman of the Spiny Dogfish and Coastal Shark Management Board.

PUBLIC COMMENT

CHAIRMAN MUNDEN: The next item on the agenda would be public comments. We would ask the public if they would like to make comments or a statement before the board before the meeting proceeds? Yes, Sonja, and please identify yourself for the record.

MS. SONJA FORDHAM: Good morning, my name is Sonja Fordham. On behalf of the Ocean

Conservancy, formerly the Center for Marine Conservation, I appreciate this opportunity to provide some comment on the ASMFC draft Spiny Dogfish Management Plan.

I also speak today on behalf of the National Audubon Society and Environmental Defense. I'm going to read this so I don't forget anything.

All of you should have a copy of the joint comments on the draft FMP signed by the aforementioned organizations as well as the World Wildlife Fund, the Natural Resources Defense Council, the National Aquarium at Baltimore, the Florida Program for Shark Research and WildAid.

I would like to take this opportunity to review the main points of these comments. I have some additional remarks for today's record, and I may also wish to speak up as you debate and vote on the specific measures.

As most of you are aware, we remain deeply concerned over the deteriorating status of the spiny dogfish population as well as the delays and the inadequacies of the management efforts to date.

We feel very strongly that this exceptionally vulnerable and depleted public resource now warrants the most precautionary management available. We remind you that spiny dogfish are among the most biologically vulnerable species under your purview.

Females don't reproduce until they are teenagers. They carry their pups for a record long two-year gestation period, and they only have about six pups at a time.

In a recent analysis of intrinsic rebound potential for 26 species of sharks, spiny dogfish came up dead last. These characteristics are reflected in the dismal stock assessment, six straight years of record low pups and rebuilding periods that will likely span decades.

We see the current stock status as reported by the technical experts as anything but promising. On the contrary, we consider the severe depletion of mature females and the ongoing recruitment failure as exceptionally alarming.

Surely, the only responsible course of action under such a scenario is to protect rather than to target the reproductive females of the population. We would like to commend the staff for a thorough document.

There are many complex issues at hand, and yet we see the fundamental issue as quite simple and clear. For a stock in such poor condition, with such limited capacity to rebuild, there should be no intentional harvest, constant or not.

We stress that any directed fishing that you allow will focus on the remaining mature females left. We therefore continue to strongly support state management measures that will end directed dogfish fishing in line with scientific advice and the existing federal management efforts.

Specifically, we support Option 3 under the management program that would establish a constant fishing mortality rate of 0.03, in line with the federal plan. Under this option, landings would increase with the stock and be higher than under a constant harvest strategy after the stock recovers, and yet the mature and the maturing females would be protected and allowed to rebuild in a much more immediate and precautionary manner.

We note that Options 1, which is the status quo, to close state waters when the feds close; and Option 2, which is a complete fishery closure, are also currently consistent with federal efforts and a fishing mortality of 0.03, so we do not object to those options.

We do continue to strongly object to any and all constant harvest strategies as they increase risk to the stock; prolong rebuilding; run counter to existing recovery efforts; will lead to increased discards as the stock rebuilds, whereas, the federal program will allow the quota to increase over time as the stock grows; and they allow continued directed fishing on mature and maturing females.

Obviously, this segment of the population is the most crucial to rebuilding and should be protected immediately.

In regard to other elements of the plan, we feel generally that rebuilding targets should be set in accordance with scientific advice that is 100 percent of SSBmax -- that is Option 1; that the population should be rebuilt as soon as possible in accordance with the federal strategy -- that is Option 2; that implementation should occur as soon as possible and certainly no later than June 2003 as set out in Option 1; and measures should be taken by the commission as well as individual states to ensure that current protections don't lapse in the meantime.

We feel that dogfish catch reporting by state dealers and by individual states to NMFS should be mandatory and should occur at least weekly. Quota overages must be subtracted year to year but underages should not be rolled over until the stock is rebuilt.

Quota transfers would only serve to encourage directed fishing and therefore should not be allowed. We believe possession limits should be set no higher than those in the federal plan -- that is 300 and 600 pounds -- at levels low enough to discourage directed dogfish fishing and to protect the reproductive females.

Finning should be prohibited; and, lastly, on the specific measures, we feel very strongly that data collection, biomedical demand, Canadian fishing, and state allocation needs should not be used as excuses to increase catch and violate scientifically based targets for rebuilding this severely damaged stock.

Just in case it comes up again, I want to stress that Woods Hole scientists have repeatedly reported that major groundfish species make up a negligible portion of the spiny dogfish diet, with cod coming in at 0.023 percent.

Spiny dogfish are opportunistic feeders that currently prey primarily on herring, mackerel and comb jellies. Having said that, spiny dogfish are, like other sharks, important predators in the marine environment and should be restored.

I would like to add that I recognize the political difficulties and economic hardship associated with closing a fishery for the foreseeable future. FMP development and adoption at the federal level, as many of you know, was a long and painful process.

A near zero fishing mortality rate was tough for everyone involved to swallow. However, there was simply no getting around the biological constraints of the animal and the damage that had already been done to the population.

Today, comparable measures in state waters are crucial to the success of that long-awaited recovery effort and urgently needed to avoid a complete and long-standing collapse of the resource.

Blaming Canada will not solve the problem. Raising quotas to compensate for other fishery management problems will only make the situation worse. And

lowering biomass targets and allowing fishing now will only mean less catch in the future.

If you will indulge me, I have a few thoughts from a much wider perspective that I hope you will consider. Failure to conserve this species represents a black mark on an otherwise relatively impressive shark conservation record for the nation as a whole.

For the last decade, the United States has been a leader in publicizing and addressing the plight of sharks around the world, implementing one of the world's most comprehensive shark management plans and spearheading international shark conservation initiatives under the FAO, CITES, NAFO, and APEC.

Personally, I find it to be a tremendous shame that at a time when developing nations struggle for basic fisheries management capacity, we have used our unparalleled technical and financial resources to merely document each step of a predictable and avoidable decline.

Despite our wealth of information, strong laws and stated commitment to shark conservation, we have failed to conserve the world's best studied and most naturally abundant living shark.

We urge you to act today to improve this record and to take the most precautionary path available to begin the long overdue rebuilding of the spiny dogfish population.

Once a sound and stringent ASMFC dogfish plan is adopted, we can direct our attention to curbing the troublesome dogfish catches coming from the Canadian Atlantic. We very much look forward to working in a cooperative manner with you towards that important goal. Thank you for your consideration.

CHAIRMAN MUNDEN: Thank you for your comments, Sonja. Are there other members of the public who would like to make a statement before the board?

Throughout the meeting we plan to allow the public to have an opportunity to comment on any of the issues that are being discussed by the board after the board members have fully discussed the issue.

Once again, are there any other members of the public who would like to make a statement before the board?

TECHNICAL COMMITTEE REPORT

CHAIRMAN RED MUNDEN: At this time we will have a report from the chairman of the technical committee, Steve Correia.

MR. STEVE CORREIA: Thank you, Mr. Chairman. The Dogfish Technical Committee had a conference call last week to review the preliminary 2002 Northeast Fishery Science Center Survey information.

The committee did not have sufficient time to update the projections because there are other components of fishery information that goes into the projection and they were not available. We will present the updated survey indices to you.

There are two documents that you should have. One is labeled, "Overheads presented at the ASMFC Dogfish Management Board." That document contains the slides that I'm about to present.

There is also the technical committee report labeled, "A Preliminary Update on the Status of Spiny Dogfish 2002." This document has all the graphs that I'm going to present, but they're slightly larger for those who are having middle-aged eye problems. And with that, Mr. Chairman, I will start my presentation.

This first slide represents total area swept biomass from the 2002 survey. The individual dots represent the annual estimates. The black line represents the three-year moving average.

The technical committee uses the three-year moving average in terms of following the trends in the stock because there is a lot of inter-annual variability in the estimates.

For the total biomass in 2002, you can see that the steep decline in the total biomass has slowed in recent years and is almost flat. This is the female biomass greater than 80 centimeters. This is basically the mature portion of the population.

That is the portion of the population where the most of the exploitation occurs. And similar to the total biomass, you can see that the steep decline that has occurred through the '90s has halted and leveled off.

This is the female biomass, 36 to 79 centimeters, represents dogfish that are going to be recruiting into

the exploitable population. And similar to the other ones, you can see that the steep decline has halted and it is pretty much a flat line over the last year.

This is the male biomass greater than 80 centimeters. Just to remind folks that the growth in spiny dogfish is dimorphic, the males do not grow as large as the females. And similar to the other components of the population, you can see that the steep decline has slowed in the most recent years.

This is the male biomass, 34 to 79 centimeters. And, again, the steep decline has slowed down. This is the pup biomass, less than 36 centimeters. For the sixth year in a row, the pup biomass is at extremely low levels, near time-series low.

The pup reduction is less than what we would expect given the amount of spawning stock biomass and the age structure of the population that is out there. We don't know why we're getting less pup production than expected.

It could be due to lower survivability of the pups. It could be due to lower pup production than what was modeled. This is a very worrisome figure because six years in a row of this pup production, it is going to have an impact on rebuilding.

This is the female abundance at length. The red line is the 2000-2002. The purple line is the three-year moving average, 1999 to 2001. And the dashed line is the 1998 to 2000.

You can see that for the portion of the biomass that is greater than 80 centimeters, the abundance in 2002 is similar to what we saw in the previous two periods. For the 65 to 79 range, again, it is very similar to what we've seen in the last couple of years.

There seems to be a little increase in the 78 to 80 range. And if we look at this 50 to about 65 range, you can see that there has been a decline since 1998. And what this is representing is that poor recruitment that we saw beginning in 1997 is now growing up into this 50 to 65 range, and so we're starting to see that decline.

This is a comparison of the length structure of the population, 1987 to 1989, just prior to the population ramping up, and the most recent figure. The purple line is the '87 to '89. The red line is the 2000-o 2002 length structure.

A couple of characteristics become very obvious. You can see in this large range from about 85 to 100, you see a big decline in that portion of the population. That is due to removals from the fishery.

And, also, if you look at this 20 to about 60 range, you also see a big decline and that is due to the lack of pup production. That is likely to be linked to the removal of the female mature biomass.

This is the male abundance at age. It is showing a similar trend to what the female population is showing. From about 75 centimeters on, there has basically been no change in the population.

In this 50 to 65 range, again, you're seeing this decline and that is due to the growth of those poor year classes in 1997. So, the summary of stock status, it is very similar to the last update. The steep decline in biomass of large females has slowed.

Pup production is poor for the sixth year in a row. And there has been a decline in small dogs, 50 to 65 centimeters, and this is likely related to the poor pup production that we saw in the late 1990s.

The second issue that was brought up was the Canadian landings. Canadian landings increased from 426 metric tons in 1996 to almost 4,000 metric tons in 2001. The Canadians have set the 2002 quota at 3,200 metric tons.

There is 2,500 metric tons allocated to a small fleet that will direct on dogs. There are 700 tons that are allocated for scientific experiments. And, the rest of the fleet can land what the historic dogfish were, and apparently that sounds like it is just a low bycatch in the groundfish fleet.

When the projection model was invented, Canadian landings were very small compared to the U.S. landings so you had about 400 tons; U.S. landings were like 27,000 metric tons. And, so they were just included in the implied discards in the model.

Now the implied discards is based by taking the historic discard to landings ratio and applying that to the quota in the projection model and then that gives you the total discards.

What is happening now is you have the Canadian landings have increased. The model doesn't account for that. There are several things that can happen. The first

thing is if you don't account for the Canadian landings, you're F rates will be higher in the constant F and also in the constant harvest, and it is going to result in a longer rebuilding time frame.

The other thing that you can do is you can account for the Canadian landings. You can take it off of the U.S. quota so that you either hit your constant F or you hit your constant harvest strategy. You can have a discussion of co-management with Canada.

And in the interim, the tech committee will try to modify the projection model to account for the Canadian quota. There's a couple of other issues regarding dogfish discards. There is likely going to be regulatory changes to fisheries that interact with dogfish, most notably the Northeast multi-species groundfishery.

What the impact of this is going to be is not predictable. The reduced effort should result in reduced discards, but there could be other impacts like shift in effort by season.

You could shift effort to a time of the year when dogfish are abundant in the Northeast or the effort could shift to a time of the year when the dogfish are not abundant, impact the proposed closed areas. All this leads to an uncertainty of what the impact on the discards from those fisheries will be.

Future work. We hope to get updated projections using the 2002 data. They may be available for the September 19th meeting of the Dogfish Monitoring Committee. We will also look into trying the model in the Canadian landings into the projections. That, Mr. Chairman, is my presentation. I would be willing to take any questions that people have.

CHAIRMAN MUNDEN: Thank you, Steve. Bill.

MR. ADLER: Thank you, Mr. Chairman. Steve, back on your slide on the biomass --

MR. CORREIA: Total biomass?

MR. ADLER: Yes.

MR. CORREIA: Of the females?

MR. ADLER: Yes, right, Figure 1.

MR. CORREIA: Okay.

MR. ADLER: Just out of curiosity, in 1979-80, right around there, when it was low, does the technical committee have any reason why it was low at that time?

MR. CORREIA: Well, we know you had the impact of the foreign fisheries in the '60's through 1976. This could represent a lag from the impact of those fisheries.

CHAIRMAN MUNDEN: Dave Pierce.

DR. DAVID PIERCE: Yes, thank you. Steve, in Figure 8, that is the summary of the three-year average abundance at length for the female spiny dogfish -- I believe these are the mature females, well, no, involving different sizes of females, I note that --

MR. CORREIA: This figure here, Dave?

DR. PIERCE: No, Figure 7.

MR. CORREIA: Okay.

DR. PIERCE: I note that you're looking at data from 1998 through 2002 and, of course, you're using three-year moving averages. It strikes me as a bit surprising that when one looks at the overlapping plots of data, that the fish don't seem to be moving to the right, getting bigger.

Dogfish, indeed, do grow slowly. I mean, we know that. But, when I look at the peak of the dome and certainly the right-hand descending limb, they overlap on each other to the point where I would guess it is fair to say there is no difference.

And I would have expected that those dogfish would have grown from 80 to 85 centimeters, anyway. I mean, that is about one year's worth of growth alone, five-centimeter growth, 80 to 85, but it is not moving.

Now, mortality certainly has decreased rather dramatically from the severe restrictions in the fishery in recent years. Can you offer up any explanation as to why we're not seeing the larger dogs?

Before you answer, however, I should point out that the Division of Marine Fisheries has been sampling the landings of dogfish in our state for a few years now in an attempt to provide more information to benefit the

assessment of dogfish and to demonstrate that, indeed, we are paying attention to what is happening in our state.

And we are finding and certainly this year we have found an abundance of dogfish showing up in our landings from the higher end of the 70's and throughout the 80's and even into the 90's. I mean, this is only in a fishery that is very close to shore. This is not an offshore fishery.

So, what accounts for this lack of movement; this no demonstrated movement of those year classes, how many year classes they may be, to higher sizes?

MR. CORREIA: Well, I guess I see the impact of the growth, the greatest impact up in this area here. You could make an argument that you could be seeing some of that growth up in this area here, which is like 78 and then you can squint it down to 81. You see a little distance between it.

And over here you're just seeing the balance of that growth versus the exploitation. There is still a fishery that is going on targeting somewhere around this, on average, stuff I've seen about 85-84 centimeters.

The other thing is you also have -- because this is a three-year moving average, you're paying a penalty in that there are some lags built into the system. This is actually looking at 2000 through 2002, so you do have this smearing effect.

But that is countered by the fact that there is so much annual variability, that if you went with annual index, you wouldn't be able to tell the difference between the annual growth and error in the surveys.

DR. PIERCE: Yes, I would agree that the averaging does tend to mask any variability that there may be and that the year 2002 may actually show a movement, a much farther movement, to the right as these fish get larger.

I've always felt it made a lot of sense to take a look at individual year's worth of data in addition to taking a look at whatever averaging strategy we choose to select, such as a three-year moving average.

All right, now with regard to your figures showing the pup production that -- I don't have the figure or number off hand, but, indeed, the data that you do show is a bit unsettling.

There is continued poor production of pups, although you did say that it may not necessarily be production. The pups may be there but for whatever reason the survival is low.

This is a very important point for us all to appreciate in that the age structure of the population is such that we should expect to have a great deal of pup production since -- and we're looking at the ASMFC draft plan and the numbers of pups on average for each female -- 70-inch centimeter female is about 6.2 pups; a 80 centimeter female, about 6.8 pups; and, clearly, pups are being produced.

It is not so much a question of spawning stock biomass versus the numbers of pups produced. It is survival. I agree with you that this is an unresolved issue that hopefully will be resolved in the future.

At least, we'll be able to identify what the problem is, what is causing this poor survival of the pups. But I want to make sure that I am correctly stating what you indicated, and that is that considering the age structure of the population, the spawning females, specifically, we should be finding a large number of pups -- not as much, of course, as when the resource was unfished and we had dogfish of 100 centimeters, 110 centimeters, where they might produce about 8 pups or more on average. So, again, is my understanding of what you said correct?

MR. CORREIA: Right. If we look at the fecundity at length of females and the number of females that are out there, we would have expected to see more pups than we're seeing. But, of course, there is a survivorship that is implicit in that model, also.

And if that survivorship changes, even though you may be getting, say, pups being birthed, because of survivorship, if the survivorship is wrong or lower than expected, that could also account for the lower productivity.

Now, another speculation is that you're getting more of the pups being produced from first-time spawners, and that may lower the survivorship of those pups, too. But, again, that is just a speculation.

There is work that is being done by the Northeast Fisheries Science Center and work that is being done by the Massachusetts Division of Marine Fisheries to look at embryos, count embryos and number of pups at

length of female dogs in the survey. And that may shed some light on what is going on here, but that data is not available yet.

CHAIRMAN MUNDEN: I have Vince.

EXECUTIVE DIRECTOR JOHN V. O'SHEA: Thank you, Mr. Chairman. Thanks, Steve. You've touched on the two-part question I had. The first was pregnant females, is anybody looking for that and has there been any change?

But I'm not a scientist, obviously, but it would seem to me that with poor pup production, another possibility would be less mature females out there than you think. Had the technical committee looked at that, and is there a range of uncertainty in those population estimates?

MR. CORREIA: Well, we have an area swept biomass that has a Q involved in it. Any kind of variance in the estimate of what is being swept would have an impact on the area swept estimate, so that estimate could be off.

In fact, that may be one component of what the implied discards are. That said, that same area swept applies to this pup production, and so it just would be a matter of rescaling this. So the trends would remain the same, but the absolute magnitude would be different.

I don't think it is a matter of the area swept estimates, but there could be, in terms of the number of pups per female, that may be in need of adjustment. That might have changed. But, again, we don't have any information on that at this time.

CHAIRMAN MUNDEN: I have Bill Adler and then Harry Mears.

MR. ADLER: Thank you, Mr. Chairman. Steve, on Figure 1, if you could just show me with your little magic little red thing, if you could show me where these females start-- wait a minute, excuse me, I'm sorry, Figure 7 -- where these females start producing?

MR. CORREIA: It is this component right here. They start to become -- I think the age of 50 percent maturity is about this 80 centimeters so you have a very steep line that comes up like this, so this is the mature portion of the population.

MR. ADLER: Okay, thank you. And, secondly, what possible predation could these pups

have? I mean, who might attack them?

MR. CORREIA: I don't know.

MR. ADLER: Okay, thank you. Striped bass, did I hear striped bass?

MR. CORREIA: Maybe. I don't have any information on that.

CHAIRMAN MUNDEN: Harry.

MR. HARRY MEARS: Thank you, Mr. Chairman. Steve, could you provide some terms of reference in terms of the age parameters? You identify the intermediate range as, I believe, 39 to 79 centimeters.

And you also referred to the fact that you're starting to see reductions in numbers of juveniles resulting from recent years of poor pup production. How many years from now, if this trend in fact continues, would we be seeing the corresponding reductions in the intermediate sizes of females?

MR. CORREIA: Well, I think that you will start to see them within the next couple of years. If you're up in this area right here, 65, maybe you'll start to see them up in the -- you know, start up in the 7-year range.

Maybe over the next five years, they will move into here, given that it has taken about five years for this to show up. But, again, when you get to this point, the growth really starts to overlap.

The end result is that this poor year class will extend the rebuilding period under both strategies. When we update the projections, then that pup production, you'll get a better feel for how long that time will take. We haven't done that yet.

MR. MEARS: Just one follow-up question, then. A 79 centimeter female dogfish is approximately how many years old?

MR. CORREIA: I think it is something like 12-13 years.

CHAIRMAN MUNDEN: Gil Pope.

MR. POPE: Thank you very much. Did I understand you to say that first-time spawners possibly

could have less survivable pups?

MR. CORREIA: That is a speculation. And they've seen survivors -- they've seen in a lot of first-time spawners success is not as great as repeat spawners.

There is a speculation that perhaps one thing that may be impacting the pup production is the fact that you have more first-time spawners. But I repeat, that's a speculation. All we know is pup production is less than what we expect. Everything else beyond that is a speculation.

CHAIRMAN MUNDEN: Dave Borden, did you have a question?

MR. BORDEN: Thank you, Mr. Chairman. Steve, in terms of all the charts and graphs and data, do they incorporate the Canadian trawl information? I mean, have you incorporated all the Canadian trawl data?

MR. CORREIA: No, the graphs we have shown is from the Northeast Fisheries Science Center survey.

MR. BORDEN: Okay, one suggestion I would make for future exploration of the technical committee is to actually do that and try to incorporate the Canadian database into the findings.

And the reason that I say that is that one of the things that I do is I serve on the U.S./Canada Steering Committee, the Transboundary Management Committee, which has been negotiating this agreement with Canada on cod, haddock and yellowtail.

It's very apparent in that process that some of those stocks have fundamentally changed their distribution over the last few years; yellowtail being one of the prime examples of it where 98 percent of the resource used to be on the U.S. side of the border and now about 48 percent of the resource is now on the Canadian side of the border.

And that is with a fully restored stock. In other words, it has moved further east. I think it would be very important to include that. You know, you can't predict what that is going to do to this type of analysis, whether it is going to make it better or worse.

The other observation I would make is including the

increased Canadian landings in the database, I think, is critical, and in fact that will have a very pronounced negative impact in terms of the rebuilding time frame, would be my speculation.

MR. CORREIA: Yes. In the, I think, SARC 26 document, I believe that it did look at the Canadian surveys relative to the seasonality.

So, they compared, say, the biomass coming out of the NMFS Spring Survey and then they compared that to the NMFS Fall Survey plus the Canadian survey, because during the summer and fall the dogfish move north and they are more into the Canadian waters, and looking for a balance to see whether or not you can account for the difference in biomass.

And so it looked like, if I remember right, that they could account for that when they looked at the Fall Survey. But certainly we can look at that information as well as other surveys. When they do the assessments, they look at the Massachusetts Survey and the Winter Survey to look at that. But we can do that.

CHAIRMAN MUNDEN: Next I have Eric Smith and then Dave Pierce.

MR. ERIC SMITH: Thank you. The most alarming thing to me in all of this is what I think everybody else is alluding to is the poor pup production over a six-year period. I try and think of why a population would behave that way.

I look at the total biomass curves and realize that we had record high levels of biomass in the early '90s and then the pup production five years later began to get low. I haven't heard you talk about technical committee consideration of simple density dependence.

In other words, is poor pup production a normal consequence of the fact that we had high and increasing biomass through the '80s into the early '90s, and the compensation is that we're getting poor production now. I mean, I guess my question is has that been considered and could it be a factor here?

MR. CORREIA: It has not been considered. There would have to be some time lag that would be involved in this. So, for instance, you would have to have what the population was, say, in the '90s impacting the production, say, starting in 1997.

Where production was in 1997, that poor production is

associated with this big decline in the mature females. So density-dependent would seem to be more likely if the production was occurring when the population was looking like this.

When the population was like this, pup production was very high. When you had this removal of the large, mature females is when pup production dropped. So, if there was some density dependence, it would have to be linked, say, five years before the dogfish actually reproduced.

MR. SMITH: If I may follow up to that, Mr. Chairman, I hadn't thought about it in terms of the length of the fish as much as the total biomass resulting in a population response of lower production. That's what I was asking whether the technical -- I mean, if you look at --

MR. CORREIA: We haven't looked at that, but that also could be a factor if food supply was down because of the large amount of dogs, and you were producing smaller pups, that could impact survivability of the pups.

MR. SMITH: That's what I'm asking is could it be construed to be normal? Not that it makes me comfortable, but I'm just wondering why a population like this would have poor pup production with their life history strategy for six years in a row when following by a period of five years a high biomass.

MR. CORREIA: Again, the only conclusion that the tech committee has made is that pup production is lower. Everything beyond that is a speculation. We have no evidence one way or the other.

CHAIRMAN MUNDEN: Next I have Dave Pierce followed by Bill Goldsborough and then Bruce Freeman.

DR. PIERCE: Yes, Steve, again, you're using three-year moving averages, the technical committee is, to give us a feel for what is happening with these different sizes of dogs. I understand the reason why that is done.

However, it is also important to know what is happening now. At the last board meeting we said we were going to wait until spring 2002 to get the Spring 2002 Survey data. And recognizing it is just one year, but the most recent year to me, anyway, at least that data is promising.

And for those board members, I call your attention to the memo I made available to you yesterday where I described what you've just indicated up there, Steve, relative to the year 2002 datapoints.

And the reason why I say it looks up there promising is that the large females, 80 centimeters and larger, that has increased from 56,700 to 75,000 metric tons. The intermediate sized female dogfish, that has increased from 71,000 to 132,000 metric tons.

When we look at all ages, all sexes, males and females, of course, how they have increased, intermediate size has gone from 232,000 to 378,000, so that's about a difference of 321.8 million pounds.

And as I indicate, the 2002 spring data indicate that the biomass now has increased to approximately 1 billion pounds -- that's a billion with a "b" -- and that's encouraging. So 8.8 million pounds, that which we will be discussing here today as one of the options, represents about 0.8 percent of the total.

But I quickly make known it that I recognize that biomass is not all mature females or dogfish that would be of a size suitable for harvesting.

Nevertheless, I do reflect, once more, back onto Figure 7 and the age, the size composition of fish showing up in 2002 -- although it's not really shown here; it's blended -- the fish on the fishing grounds, should now be quite abundant in the range of 80 to 85 centimeters and even higher than that.

And, once again, Division of Marine Fisheries data, sampling data, port sampling, sea sampling for this past spring when the fishery was open, indicate that indeed that those fish or those sizes are very abundant.

So, it looks promising with regard to the amount of biomass that is available for harvest. Clearly, concern about the pups is still there but, once again, the pups are being produced. For some reason, they're just not showing up, you know, showing up in the surveys.

CHAIRMAN MUNDEN: For the benefit of the board members and members of the public who may be in the back, Dave Pierce is referring to figures that appeared in a letter that was sent to the Spiny Dogfish Board dated August 28, and a copy of that is available or copies of that letter are available on the back table if you have not seen that information. Now I

have Bill Goldsborough.

MR. WILLIAM GOLDSBOROUGH: Thank you, Mr. Chairman. Steve, could you switch back to the next slide, the one you were just showing before. I have a comment on this and then I have a question for you on some earlier slides.

By looking at this one, I'm struck with how similar that situation looks to the way things were with striped bass in the mid-80s where we had one strong year class -- that was the '82 year class -- and not much older than that and only recruitment failure after it.

And at that time, the strategy that this commission adopted was that the '82 year class was probably our only hope for the future, and so we decided to protect it until maturity. I just offer that as sort of a comparative scenario that really worked. Obviously, that success was striped bass.

MR. CORREIA: I guess the only comment I would make to that is don't confuse this peak with a year class. There are many, many year classes in this.

MR. GOLDSBOROUGH: Oh, I understand that. I guess the response to that, I would say, is that, of course, the age at maturity is much higher with this than with striped bass, but the comparison may be valid, nevertheless, that essentially what one might logically conclude would be a good strategy to pursue would be to protect that peak until maturity. That's my point.

The questions I wanted to ask you, Steve, had to do with the first four or five slides where you characterize them as indicating a flattening out of declines.

MR. CORREIA: Okay, so you can see that you have this decline from 1992. And you can start to see that -- you can see the slope of this.

MR. GOLDSBOROUGH: Right.

MR. CORREIA: And compare that to the slope of this.

MR. GOLDSBOROUGH: Right.

MR. CORREIA: You can see that this is also consistent with -- I mean, you were taking out 27,000 metric tons in this period. Last year I think you took out a little more than 2,000 tons.

MR. GOLDSBOROUGH: My question for you is -- well, first it seems like that flattening out is pretty short-lived and in some cases, including on this slide, appears to be driven by one datapoint. I'm wondering if you can characterize for us the statistical confidence we can have that there really is a flattening out occurring.

MR. CORREIA: Well, in terms of the statistics, we haven't applied a statistical test to it. But, again, I think the reason why we used the three-point average is because of the variability within the survey.

So, for instance, you could point over here. You could say, well, I think this point is making the curve flatten out. But then someone else could look at this point and say, well, if you took that point away, it would have been flat back in 1998.

So some would say this point is too high and someone else could say, well, I think this point is abnormally low. And so the technical committee really doesn't pay too much attention to any individual point.

But they have consistently used this three-point moving average, which builds in lags into the system. It's very difficult for the technical committee to get very excited about any one particular point because these survey indices are highly variable. And that's the best answer I can give you without going into some statistical testing.

DR. PIERCE: Yes, Steve, you mentioned --

CHAIRMAN MUNDEN: Do you have a question?

DR. PIERCE: Yes.

CHAIRMAN MUNDEN: Concerning his response?

DR. PIERCE: Yes.

CHAIRMAN MUNDEN: Okay.

DR. PIERCE: Well, not his response but another question of Steve.

CHAIRMAN MUNDEN: Let me go to Bruce, first. Bruce Freeman.

MR. BRUCE FREEMAN: Thank you. Steve, you mentioned the Canadian catch and indicated

the increase since, I think it was, '96. I'm assuming the Canadians do a survey similar to ours and predicate their catches based on their information. Is that correct?

MR. CORREIA: I know they do a survey. I have no understanding of what they base their quota on. The only information I could find was that they set a quota. It looks to me as if they're sort of capping their landings.

It looks like the landings have been going up and they said, okay, we're going to halt it here in this directed fishery and we're going to allocate that. I have no understanding of what that was based on. I don't know if it is an F strategy, if it is just a cap landings. I couldn't dig up any information on that.

MR. FREEMAN: I would totally agree with the comments made by Dave Borden that, one, we should interact with the Canadians to find out what they're doing. I think it is quite important, particularly if it is a shared-boundary stock.

And then, also, understand how they set their quotas because obviously there is going to be a great impact on us. I would agree on Dave's comments. It's something that should be done if it hasn't been done already.

CHAIRMAN MUNDEN: Dave Pierce.

DR. PIERCE: Steve, discards, the amount of discards always has been of great importance to us, and certainly it has been a focus of attention of the assessment scientists since the dogfish assessment was produced by the center not too many years ago.

You mentioned "implied discards" a couple of times in your presentation. Was the technical committee able to provide any estimates of what these implied discards are right now? At times it has been 10,000 metric tons, sometimes higher than that. What's the value now?

MR. CORREIA: I don't know. I tried to get the estimate of the implied discards. The unfortunate thing is the original projections were done in an Excel spreadsheet, and the implied discards were an output of that spreadsheet.

Unfortunately, the spreadsheet gave you the deterministic answers. So when we try to incorporate uncertainty into the projections, that went into a Fortran program where we got the biomass and the landings, but unfortunately the implied discards weren't part of

that.

I don't know what the implied discards are. Hopefully, when they update the projections, that number will be available, although I don't have it at this point.

CHAIRMAN MUNDEN: Other questions from the board members of Steve? Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. Steve, on this Canadian thing, are we considering the biomass within the Canadian jurisdiction but not counting the Canadian landings? Do I have that right or are we splitting both?

MR. CORREIA: No. What it is is the area swept estimates that are used here are at a time when the stock is basically in the U.S. waters, so that it is to the south and offshore.

And then as waters warm, the dogfish move to the north and then into the east, moving into Canadian waters. So the Canadian landings are coming off of this stock here, and that will have an impact on the fishing mortality rates.

CHAIRMAN MUNDEN: Steve, before I go to the public, I have one question concerning your slide on Canadian landings. They have set their 2002 quota at 3.2 million pounds -- I mean, 3,200 metric tons.

MR. CORREIA: Correct.

CHAIRMAN MUNDEN: And I did a quick calculation, and I believe that's about 7 million pounds; is that correct?

MR. CORREIA: It should be somewhere in that range.

CHAIRMAN MUNDEN: It's approximately 7 million pounds is the quota that they set for 2002. Okay, thank you. Other questions from board members of Steve? Okay, Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Just a response to the point about whether Canada has any science-based sampling program. Obviously, they don't, Steve, if you looked at that letter that was released by the Canadian Fisheries and Oceans.

It said, "An additional 700 metric tons will be

authorized to undertake a long-term, science-based sampling program." We could almost assume from that they have nothing, maybe?

MR. CORREIA: I'm not sure what that 700 tons was for. It could be for going out there doing fecundity estimates, having the fishery to target.

The only information I have on the quota is that particular sheet that was handed out. I tried going through the DFO Website to find updated dogfish assessments or anything, and I had no success.

CHAIRMAN MUNDEN: Harry.

MR. MEARS: Thank you, Mr. Chairman. A number of comments were made on the importance of obviously moving in the direction to work with Canada on both scientific assessment and management.

And I think that the sheet that Pat just referred is an important one, especially relevant to some of the comments recently made at the end of May by the Minister of Fisheries.

First, that the government of Canada is concerned about the escalating nature of the fishery, and indeed it was a cap to essentially prevent an out-of-control type of situation with regard to the unknown status of the resource and steps being taken at this time by Canada, as explained in the news release, that of the 3,200 ton quota, 700 tons of that is dedicated toward research by the industry in much the same way we do cooperative research here in recent years on various species in the Mid-Atlantic and New England.

And as I recall, that series of studies is focusing at the current time on diet composition, stomach analysis. The obvious reference to getting together with Canadian scientists I think is a good one. I think it needs to be well thought out.

We do have a forum that Dave Borden referred to earlier, and was supported by others in their remarks, through the U.S./Canada Transboundary Steering Committee. Certainly, it is acknowledged within that group, from both a scientific and management perspective, that at the very least dogfish is on the radar screen.

It is a matter now that, from my perspective, would be very important to assign a priority to dogfish within that arena for a joint scientific assessment using input from

this technical committee, and, obviously, the framework that is already in place under the Council FMP.

That, in turn, would logically move toward a scenario of co-management on the basis of that agreed-upon, joint, whatever the results of the scientific joint assessment might be.

I think what we're dealing with here is obviously in many ways a political type of situation on putting dogfish where it logically should belong in the realm of priorities. My understanding now, obviously, is that herring is one of the key species being given attention by that group.

In terms of expediting consideration of dogfish, I'll make a personal suggestion. There is a recently implemented group in the Northeast called the "Northeast Coordinating Council", which comprises representatives from the NMFS Regional Office, Northeast Fisheries Science Center, ASMFC Executive Director, and the Executive Directors of the two councils.

I believe a meeting is scheduled, in fact, for next month. I also see the topic of trying to elevate or the goal of elevating dogfish within the arena of the transboundary scientific and management community as being a very appropriate topic that might be considered on the agenda by anyone participating in that council. Thank you.

CHAIRMAN MUNDEN: Dave Borden.

MR. BORDEN: Very quickly, Mr. Chairman. Harry made a number of good points but I think we should actually take an action, and at the appropriate time I would be happy to make a motion that incorporates a lot of the suggestions that he just made. I don't think now is the time.

CHAIRMAN MUNDEN: Other questions of Steve from board members? Gil Pope.

MR. POPE: Thank you very much. So the 700 metric tons comes out of the 32 and that's a yearly figure?

MR. CORREIA: It was just set for 2002.

MR. POPE: Just for the one year?

MR. CORREIA: Just for that one year.

MR. POPE: Is that 3,200 metric tons going to be there like a status quo? They're going to do it at that number?

MR. CORREIA: Excuse me?

MR. POPE: Are they going to continue to stay at that number, do you have any idea, or is that going to be lowered or --

MR. CORREIA: I have no clue because, again, I'm not sure what the basis of that number is. You know, the feeling I have was that they were trying to cap the fishery, stop it from expanding. Whether they hold that number for next year or they change it based on some internal discussions, I don't know. All we know is this is what it is for 2002.

MR. POPE: I know that one of the -- also, a second question -- one of the other options is a 0.03 F. What is the natural mortality, just out of curiosity, that you used?

MR. CORREIA: I think the natural mortality was 0.11 or 0.09. I'm not quite sure, and I don't recall. It's something like 0.1, 0.11. We can check it out.

CHAIRMAN MUNDEN: While Megan is looking for that number, I'll go to Bill Goldsborough and then Vito.

MR. GOLDSBOROUGH: Thank you, Mr. Chairman. Steve, did the technical committee conclude that the last six years of pup production failure was a result of poor survival?

MR. CORREIA: No. The only thing that the committee concluded is that pup production has been near record lows for six years in a row. That's the only conclusion we have.

MR. GOLDSBOROUGH: I see.

MR. CORREIA: There are some speculations as to why that would be low. They include lower survivability than what was put in the model. It could be lower birth rates; it could be a lot of things that could cause that. We don't know what is causing it, but we do know that pup production has been low six years in a row.

MR. GOLDSBOROUGH: And, if I may,

how strong of a stock recruitment relationship is there for spiny dogfish?

MR. CORREIA: Unlike groundfish, the stock recruitment is very tight because the dogfish produce these low number of pups. The pups are well formed when they're released, and so it's almost one-for-one.

Dogfish have a very different strategy than your typical tilapia which you just produce the eggs and stick them out in the water. They have a case strategy. They're producing their pups, put a lot of investment into the pups, and the pups have a much higher survivability than typical fish.

MR. GOLDSBOROUGH: So it sounds like a valid conclusion would be that regardless of what you might speculate that the cause of the pup production failure was, that it would be a responsible decision to try and protect the spawning stock to increase that production.

MR. CORREIA: Well, I think that's the whole basis of this plan. All of the options except for the status quo lower the F on the mature portion of the females and the projections show the stocks rebuilding.

So I guess the question is not whether or not -- I don't think the real option is whether you have management or not have management, but what type of management do you want to choose -- do you want to have a small directed fishery? Do you want to have no fishery? That's the managers' decision. Both strategies reduce F.

Both strategies rebuild spawning stock biomass. They both lower the Fs. But they have slightly different implications in terms of uncertainty. The constant quota has a little more uncertainty to it.

It builds the biomass as a higher probability of building to higher levels than the constant F, and it has a higher probability of not building as high as constant F. I think that's the kind of choices that as managers you need to decide on.

MR. GOLDSBOROUGH: I guess my point is that even if one were to conclude that poor survivability was the problem, that with a strong stock recruitment relationship, the only responsible decision for a fishery management agency would be to control that thing that they can control, which is fishing mortality.

MR. CORREIA: Correct.

MR. CORREIA: Okay, for the question on natural mortality, we have a range going from about 0.061 to 0.092.

CHAIRMAN MUNDEN: Vito.

MR. VITO CALOMO: Thank you, Mr. Chairman. I appreciate this opportunity to speak on the subject matter. I think that rebuilding any stock is of great importance. Rebuilding at what rate, rebuilding at what time schedule, rebuilding at what cost, those are the answers that you have been answering.

Canada has a small directed fishery. I feel that the U.S. should have a small directed fishery, a little more than 2,000 metric tons. It seems to be -- as Red Munden was doing the math, I did some rough figures that approximately 400,000 metric tons is well over 900 million pounds, I think, somewhere in there.

Our directed fishery is 2,000 tons, which is very small. Canada has got three thousand some odd tons, which is very small. But converting it all and talking about pounds right now, if we took between Canada and America or the U.S. fisheries something like 16 million pounds against the 900 million pounds, it seems trivial to the stock. It will still continue to rebuild.

And although I'm not a scientist, I'm answering my own question. It will still continue to be rebuilding at what rate. Sure, over the course of 10 years-20 years, it has its ups and downs, like any other fishery.

We will see great growths in fisheries that are not even fished upon, and yet that fishery will plummet from not overfishing, it's just "Mother Nature" at times. But to tell us that we're looking at this fish of 16 million pounds, that we're going to plummet the fish, we're going to destroy the biomass and we're going to ruin the females and pups, I think that's a hell of a statement to make.

I think, also, that during these times of rebuilding many species, especially in the Northeast region where I come from, a small directed fishery at this time may save some of the infrastructure of the small fleet.

I, therefore, submit that we should take a precautionary measure, but in your last statement, Steve, you said that we could still be rebuilding and allowing some fishing.

Well, I think we should allow a little more fishing on 900 million pounds of fish in the ocean and keep the humans working at this time -- I think that's of great importance -- and keep the social and economic value to the small communities that border the New England states. Thank you, Mr. Chairman.

CHAIRMAN MUNDEN: I have Gil Pope next.

MR. POPE: Thank you very much. I'm really not sure about this projected F of 0.03 and a natural mortality rate of 0.061, and could you give me some kind of relationship between the two as to how -- it seems like the target that we're looking for is basically below the natural mortality rate, if the numbers are correct.

MR. CORREIA: I think the F that was used in the projections was I think about 0.09 or 0.08 that was used. The 0.03 is definitely below the natural mortality. The F that comes out of the constant quota, I believe, is also -- at least the last time we looked was also below the natural mortality rate.

The range in the natural mortality rates was used in terms of coming up with the fishing mortality rates, and so it has an impact on what the fishing mortality rate is. You really measure total mortality. It's tracked off natural mortality.

And that range was used in the Fs to show that regardless of what the range -- what you thought natural mortality was, that the trends in the Fs were the same and the Fs were well above what was sustainable when the fishery was going hot guns. I don't know if that answers your question.

MR. POPE: Slightly. The other thing is when you do your Fs, is it a three-year running average of effort; do you do it on a daily basis -- like, what would the 2000 and 2001 F be; what are constant -- what our rate is now that we're fishing in the United States?

MR. CORREIA: Yes, we don't know what the F in 2001 is because we have to take the length structure that's in the landings and compare that to what is in the population. That hasn't been done.

But we know, based on the landings, the decline in the landings, that the exploitation rates have declined. Actually, it looks like the population has responded to that by slowing down or halting the decline.

That's the only information we have at this point in terms of where the Fs are in 2001; that they're less than what they were before. That's kind of wishy-washy, but without the information, I can't throw a number out. I don't even have a number to throw out.

CHAIRMAN MUNDEN: I'd like to recognize Rich Seagraves with the Mid-Atlantic Council staff, and then Sonja has been very, very patient and I'd like to recognize her for comments before we get too far afield from the points that she might like to make. And then I'll come back to the board. Rich Seagraves.

MR. RICH SEAGRAVES: Thanks, Red. I just wanted to try to clarify the numbers here. The natural mortality rate that is assumed in the projections that you have seen in the past is 0.09. That assumes a maximum age of 50 years, and that has been used throughout the assessment.

You can look at a range that Steve has talked about and the range is 0.06 to 0.09. So, 0.09 is the number that we're using currently. The projection that showed that we would rebuild in five years initially in the FMP -- and now it's in the range of 20 years -- is an F of 0.03, assuming an M of 0.09.

Now, Paul Rago's modeling would suggest that in fact they probably live longer than 50 years, so the natural mortality rate is more likely to be lower. But, for the record, it is 0.09. Now in terms of the point that Steve made about long-term equilibrium, the stock would stabilize at about an F of 0.11.

So, in fact, the F of 0.03 during the rebuilding is much lower than the natural mortality rate, much lower than the F that would allow the stock to maintain itself, but that's implicit. That's why it is rebuilding; it has got to be lower.

CHAIRMAN MUNDEN: Thank you, Rich. Sonja.

MS. FORDHAM: Sonja Fordham, Ocean Conservancy. I did have just a few clarifying points, and perhaps we're far afield. I wanted to agree with Harry and Pat about Canada, but also just point out that it says right here in the press release that they're basically capping landings while they determine sustainable harvest levels for future years, so it says that right there in the press release.

I wanted to agree and stress that sharks do exhibit strong stock recruitment relationships, so in actuality they don't have these ups and downs, at least not in the short term.

They put all their energy into a few fully formed pups, and so they don't have these wild fluctuations in recruitment. I wouldn't get my hopes up for an excellent year class anytime soon.

We talked about speculation about the pup situation, and I just wanted to note that it is widely accepted, at least within sharks, that larger individuals produce healthier, larger pups.

And, actually, within the scientific literature, there are at least two papers -- one by Nammack in '85 and one by Templeton in 1944 --that says that fecundity with the spiny dogfish increases with size.

And, lastly, I would just like to caution against relying too heavily on one datapoint in a long series. Certainly, when those datapoints reflected real steep declines, we didn't rely on one datapoint. That's why you went to a three-year moving average. I would urge you not to rely too much on one point. Thanks.

CHAIRMAN MUNDEN: Thank you. Other questions of Steve from board members? Steve, I want to thank you for an excellent presentation. I want to thank the board members for very good questions concerning the presentation.

LAW ENFORCEMENT REPORT

CHAIRMAN RED MUNDEN: And with that, we'll move on to the next agenda item, which is a report from our law enforcement committee. Do we have Mike Howard here? Okay, Mike.

MR. MIKE HOWARD: Mr. Chairman, we held a conference call on the spiny dogfish proposals and the options. We reviewed all the various segments of the plan. We believe that the committee utilized the guidelines for resource managers that guide us into helping how enforceable a plan is.

We don't see any problems with any of the proposals. Specifically, there are daily trip limits, which we feel that each state has adequate resources to enforce at this time; the section of removal bycatches during season closures; and the finning section, where finning must be landed with the carcasses and be no more than 5 percent

by weight and no finning in state waters.

All those are enforceable by state law enforcement officers and the National Marine Fisheries Service and the Coast Guard who will be helping us. Any questions? Also, the reporting requirement that we will start in 2004 is fine, and we hope to provide you with an updated report once the plans go into effect.

CHAIRMAN MUNDEN: Questions from the board members of Mike. Thank you, Mike. Before we move on to the next agenda item, we are a little bit ahead of schedule, I'd like to take a ten-minute break.

(Whereupon, a short recess was taken.)

PUBLIC COMMENT REVIEW

CHAIRMAN MUNDEN: All board members take your seats so we can continue the meeting. We will continue with a report by Megan. She will review the public comments that we received and also the written comments. So, Megan, take it away.

MS. MEGAN GAMBLE: I just wanted to call your attention to two different documents that were included on the meeting week briefing CD, and there are also extra copies on the back table. The first one is called the "Public Hearing Summary."

There is a list on the front of the public hearings that we did hold. The second one also has a table on the front. It is called "Written Public Comment." And if you guys grab a copy of that, you can follow my presentation.

I'm going to start with the public hearing summaries. I just wanted to let you know that we scheduled nine hearings, but we only actually had seven because there were no attendees for the Rhode Island public hearing and the Virginia public hearing.

I also wanted to encourage any board members who attended the public hearings to add to my statements because I'm trying to just capture each one pretty succinctly.

So the first public hearing we held was in Manteo, North Carolina. The majority of those present were in favor of the 90 percent spawning stock biomass. They believe that we should be managing towards the historical levels of the population.

And 100 percent spawning stock biomass is too high; it

will be too difficult to achieve. They were in favor of the fishing year January 1st to December 1st. They said that January 1st is the first month of the year that works for North Carolina because that's when the dogfish are present, but December would probably be better for those in Virginia.

They were in favor of the semi-annual quota allocation with alternating percentages between those two semi-annual periods. This allows for diversification, and dogfish is also an important income supplement to these fishermen in North Carolina.

And they also wanted to make the statement to the board that the loss of the state-by-state quota allocation is unfortunate. That was actually a reoccurring theme that came up during all of the public hearings.

They were also in favor of the 5,000 pound trip limit. The 600 pound/300 pound split between the two semi-annual periods would not support the necessary infrastructure, and they have a very difficult time shipping 600 pounds or 300 pounds from North Carolina to Massachusetts.

And there is no market available for such low levels of dogfish. They are perfectly okay with having a 5,000 pound trip limit, and they do realize that would result in possibly a very short season, four weeks long. And they understood that and were okay with that.

Those who attended this North Carolina hearing did not support a set aside for biomedical supply. They claim that this is not an original part of this fishery; therefore, they do not deserve any special consideration.

And they also made the statement that this plan does not do enough for bycatch and discards, which they felt was a major problem in this fishery. This hearing also covered some of the Bottlenose Take Reduction Team's recommendations and its relevance to spiny dogfish in North Carolina.

The second public hearing we held was Bourne, Massachusetts, and it was very well attended. Their comments were the ASMFC should also do more to manage bycatch; the ASMFC needs to use better data and statistics for spiny dogfish.

They supported a May 1st to April 30 fishing year because it coincides with a couple of other different fisheries. They supported a constant harvest of 8.82 million pounds. And their reasoning was that over this

rebuilding period, there would be less poundage taken compared to the constant F strategy.

There were a couple of processors present during this public hearing, and they pointed out that they are currently competing with New Zealand and Scotland to supply the same demand, and as a result they are losing the market.

And in order to compensate for this, they are supplementing with Canadian dogfish, but they are concerned because the Canadian infrastructure is growing.

They did point out that there were four or five processors on the East Coast in -- currently, there are four or five processors on the East Coast in Canada. Three years ago there was only one.

Those who attended the Bourne public hearing also supported a reference period. They are split, actually, between 1994 to '99 or '94 to 2000. They felt that a quota allocation should reflect Massachusetts' historical landings, and they strongly objected to the removal of state-by-state quotas.

They felt that there should be no payback provision, and there should also be no rollovers until this stock is rebuilt. They wanted to see a transfer of quota as being permissible. They supported a 7,000 pound trip limit.

And they said it's necessary in order for the processors to remain operational. A higher quota brings a higher price. It's not like several other species. And they can't operate on a price that is associated with a 600 pound trip limit.

They also did not support a set aside for the biomedical supply. They felt that the biomedical industry could buy their dogfish off of the commercial fishermen.

The next public hearing was in Manahawkin, New Jersey. The fishermen who attended this public hearing also supported the 90 percent spawning stock biomass or even one that is lower. They felt that a "super stock" is a bad idea.

They supported a constant harvest of 8.82 million pounds. They said that a lower quota drives the price of dogfish down, and they can't afford to ship small quantities from New Jersey to Massachusetts.

Those who attended the public hearing explained that in

order to ship dogfish up to Massachusetts, it required a minimum of 20,000 pounds in order to load up a truck. They also supported a May 1st to April 30th fishing year.

Dogfish are present in New Jersey waters in May and in November, so they wouldn't be effected by the semi-annual periods. They also said it is consistent with other plans such as monkfish and cod.

They also supported the semi-annual quota allocation, a regional quota.

Any of the options that are included in the plan would not affect or impact New Jersey. They said that the state-by-state quota allocation would have been their preferred quota allocation scheme.

They supported a 7,000 pound trip limit.

They felt that it wouldn't increase the effort in this fishery if we had this higher level trip limit. They were also okay with having a larger trip limit and realizing that it would mean a very short season for this fishery.

They did not support a biomedical set aside. They said that they would be more than happy to sell it to the biomedical industry. They also pointed out the spiny dogfish is a very good supplement to their income. Actually, I heard this at several of the public hearings that dogfish are not their main source of income but it is a good supplement.

The next public hearing was Morehead City, North Carolina. Those who attended this hearing supported the 100 percent spawning stock biomass target. They supported the constant fishing mortality strategy because it complements the federal fishery management plan for spiny dogfish, and it is more risk adverse.

They felt that there should be a payback provision included within the plan that would deduct quota overages from the subsequent year's quota.

They did not feel that there should be any rollovers until this stock has rebuilt; and whatever management program is chosen for state waters, it should not interfere or undermine the goals and objectives of the federal management plan.

It was also pointed out during this public hearing that discards are a major problem in this fishery and there should be a cooperative state-federal strategy in order to minimize the incidental catch of spiny dogfish.

Supply was the third public hearing that was held in North Carolina. There was a split between the desired fishing years. The first was December 1st to November 30th. The second was January 30th to December 31st.

They supported a regional quota allocation using the northern and southern regions as the split. They made the point that a state-by-state quota would have assured each state access to the quota. They supported a trip limit of 1,500 to 2,000 pounds.

A 300 pound is too low and for the biomedical industry a 7,000 pound trip limit is more than they would need. They supported a separate, additional quota for the biomedical industry. I wanted to point out that there were only two people who attended this so these are the opinions of two people.

The next public hearing was in New York. This was also attended by only two people, and they were from very different interest groups. It was kind of hard to combine them into one short summary.

The first was from a fisherman who attended this public hearing and he supported the constant harvest of 8.82 million pounds. He made the point that none of the options within the management plan took into consideration the Mid-Atlantic.

It was focused on the north and the south issue, leaving out consideration of the Mid-Atlantic. New York always tends to be lumped with Massachusetts in these options; therefore, they felt that they were not able to access the resource.

The state-by-state quota would have been his preference. He supported the May 1st to April 30th fishing year. He made the point that dogfish were present in October, starting in October in New York waters. And he felt that the biomedical supply should come out of the same quota as the commercial fishermen.

The second person in attendance at this public hearing was from the Audubon Society. She made the point that the regulations should be consistent with the federal management plan and that the target should be 100 percent of the spawning stock biomass.

There should be no directed fishery, and the fishing mortality rate should be set at 0.03. Audubon supported a May 1st to April 30th fishing year.

The next public hearing was in Newark, Maryland. I also wanted to point out that there was only one person in attendance at this public hearing. This gentleman supported a constant fishing mortality strategy.

He also made the point with the current fishing year there is no quota for Maryland. When the dogfish are present, the fishery is shut down. The dogfish tend to be available in Maryland waters during November and December.

A regional quota will not resolve the inequitable distribution of the quota. This gentleman supported a 5,000 trip limit. The 300 pounds is not enough for Maryland to ship to the processors. He told me that he tends to wait for a truck that is heading up to the north in order to send whatever he does catch.

Seven thousand pounds may encourage others to gear up; therefore, it may be too high. And the quota would likely be gone before North Carolina has a chance to harvest it if we use the regional approach to allocating this resource.

If there's a separate quota for biomedical research, then the fishermen will apply for a permit to gain access to this extra quota.

Those were the seven public hearings that we held. We also received quite a few written comments. What I did, in order to summarize this for the board, was to try and separate them out into interest groups, also.

The first I, personally, labeled "conservation organizations and members." They were in support of the 100 percent spawning stock biomass. That is because this is in line with the scientific advice and it is also precautionary in nature.

They supported the constant fishing mortality strategy because they were very opposed to directed fishery and rejected any increase in quota. They supported the May 1st to April 30th fishing year because it also is complementing the federal management plan for spiny dogfish.

They supported a payback provision. They opposed quota rollovers. They supported the 600/300 pound trip limit. They felt that the biomedical supply should be taken from the overall quota. And, again, they stressed that the ASMFC's interstate management plan for spiny dogfish should be complementary to the federal management plan.

They felt that it is imperative that state controls remain in place until the implementation of ASMFC's plan for spiny dogfish, and that's in reference to the expiration of the emergency action on January 31st of 2003.

The next group I labeled was "industry participants." This was also kind of hard to condense into one slide because there were several different views expressed. Generally, they were all in favor of the constant harvest strategy of 8.82 million pounds.

The New Jersey fishermen who responded felt that the May 1st to April 30th fishing year was most appropriate. Carolina Biological Supply supported a January 1st to December 31st, and that the current fishing year used in the federal plan is biased towards one part of the species range.

The New Jersey fishermen supported a semi-annual quota allocation because it's the same criteria as the federal FMP. They also supported fixed percentages. Cape Cod Commercial Hook Fishermen's Association and Carolina Biological Supply supported a regional quota allocation.

The New Jersey fishermen and Carolina Biological Supply supported a 7,000 pound trip limit. Cape Cod Commercial Hook Fishermen's Association supported no interstate trip limit.

The New Jersey fishermen supported no quota designated specifically for biomedical research; although Carolina Biological Supply felt that a percentage of the annual quota should be set aside for biomedical research. Several of those industry participants felt as though there should be more alternatives included in the plan to limit bycatch.

The next respondent was we received a letter from National Marine Fisheries Service, Pat Kurkul. She was in support of a consistent management plan with the federal management plan. She supported the 100 percent spawning stock biomass target.

She felt as though the May 1st through the April 30th fishing year was most appropriate; that the constant fishing mortality strategy should also be used in interstate management. She supported a semi-annual quota allocation. She felt as though there should not be any rollovers until the stock has rebuilt. She also supported the 600/300 pound trip limit. She did support scientific research set asides.

The second comments that I included on this slide was from the North Carolina Marine Fisheries Commission. They are in support of an 100 percent spawning stock biomass target. They also supported the constant harvest of 8.82 million pounds.

They supported the January 1st through December 30th fishing year in order to address the inequitable allocation of the quota. They supported a regional allocation of the quota. They chose the north and the south regions included in the management plan. They also supported the 1994 to 2000 reference periods.

The last slide I have is kind of an "others." I didn't know where to include them on the previous slides. The first comment was that on rebuilding periods the public generally supported the rebuilding period that was associated with the management strategy that they preferred.

The second comment was that most of those who responded were in support of a June 1, 2004, implementation date. And the majority of the comments I received stated that the quota should be allocated through a state-by-state quota. Also, I heard quite frequently that we should be more proactive about cooperating with Canadian management of spiny dogfish.

CHAIRMAN MUNDEN: Comment or questions to Megan concerning the public hearings and the written comments. Dave Pierce.

DR. PIERCE: Not so much a comment or a question, Mr. Chairman. I chaired the public hearing in Bourne. When it's appropriate, I would like to add a few comments regarding what was said at the public hearing.

Indeed, the public hearing in Bourne was very well attended, as one might expect, because the dogfish fishery is centered out of Massachusetts. I think we had every New England processor present. We certainly had a very large contingent of fishermen, and they had some excellent comments to provide.

They focused on a few main issues; first of all, the constant harvest strategy of 8.8 million pounds. They were very supportive of the sorts of restrictions that are now in place, at least in Massachusetts, and being considered now by this board -- low quotas; low trip limits -- because they've come to realize through

experience that with the lower limits come higher price for fishermen and, of course, comes greater prospects for dogfish rebuilding.

Now they all understand the need to preserve this fishery because they would like it to be sustainable at some small-scale level.

I'll only call your attention to the written comments by one of the more outspoken members who did attend, and that's a member of our advisory panel for spiny dogfish, John Pappalardo.

John did put together a thoughtful set of comments representing his organization, the Cape Cod Commercial Hook Fishermen's Association. He did include some important comments regarding what they consider to be very relevant information for the board to consider, and that's those socio-economic concerns.

They hope that the board would focus on their specific concerns, for example, the importance of dogfish even in small amounts to the Port of Chatham, especially in light of what's going on with groundfish now, and certainly Amendment 13 coming down the road.

More hard times are facing the groundfish fishermen out of Massachusetts and elsewhere as a consequence of need of rebuilding. That was his focus as well as a hope that ASMFC would not adopt strategies similar to what are in the federal plan right now. And that's, as you're all aware, I'm sure, this 300 pound and the 600 pound landing limit.

He made the point, as did others at the public hearing, that by establishing those sorts of landing limits, it's really a pretense for any kind of allowable level of dogfish landings since if it's a bycatch fishery only, only those amounts of landings being allowed, then clearly there will not be any opportunity for processors to be in business.

They can't hire people. They can't plan. They can't schedule. There's no specific season they can focus on. Therefore, there will be no landing of bycatch. Well, bycatch will be thrown over the side since there is no one there to buy those fish.

That was the sentiment also shared, of course, by the processors who echoed and stressed that indeed that was the case. They also commented that it was rather inappropriate -- I guess that's the best word -- for them to suffer with a landing limit of 300/600 pounds or a closed fishery entirely in a formal way if landings of

Canadian fish, which they are from the same stock, if those landings are coming into Massachusetts, why should fishermen be shut down when the Canadians are able to take advantage of the dogfish that are quite abundant off of their shores.

So those were, I guess, the most important points that hit me, the ones that I felt I should highlight for you. I should probably also point out that John Pappalardo is now a New England Council member.

He certainly takes conservation issues very seriously, rebuilding of any fishery that is overfished. He is also a member of my state Marine Fisheries Commission. And I'm well aware of his attitude, his philosophy, towards management of any species, and that is carrying over into dogfish, a sentiment that is shared by his membership that he indicates is a non-profit organization comprised of over 1,400 commercial fishermen and coastal residents dedicated to the protection of marine resources and to the preservation of fishing communities; that over half of the Massachusetts commercial dogfish state-issued permit holders are members of this Cape Cod Commercial Hook Fishermen's Association.

So those were the points I wanted to focus on. And I'll just add one other thought, and that is it is rather disappointing, the lack of attendance at the other public hearings in the other states. Perhaps that reflects interest in the dogfish fishery in the other states, except for a few locations such as North Carolina and New Jersey.

I could be wrong there. Maybe the word didn't get out so they didn't know the public hearings were going to be there and that they could come and comment. Still, I was a bit disappointed to see that sort of attendance.

One final note, I did see that in New Jersey the commercial fishermen who were present did make a point that has been made by commercial fishermen in the past and certainly processors, to take advantage of where the processors are in Massachusetts, they need to have the ability to land quantities and not just 600 or 300 pounds because they have to ship those dogfish via trucks to Massachusetts for processing.

And they would have to fill up trucks with about 20,000 pounds of dogfish and you can't do that by taking advantage of hit-or-miss bycatch landings that come in in dribs and drabs. Trucks have to be on the scene. They have to be prepared to load the dogfish up to ship

out.

So, New Jersey and North Carolina did have some fishermen present and they did have some very relevant comments to make. With that said, Mr. Chairman, I guess that pretty much ends my thoughts regarding what happened at our public hearing in Bourne.

MR. GEORGE LAPOINTE: Just in response to David's comments about attendance at public hearings, I don't think it reflects so much a lack of interest but a balance of all the competing events that are occurring that effect out staff within our states and the commission and, in our case, using our agency to bring those comments forward.

I mean, there is clearly an interest in Maine in what was a big fishery in the past. There is clearly an interest in the biomedical issue. But balancing all the other competing interests and the plethora of public hearings and other issues there, that's why a public hearing wasn't held in Maine. People brought those comments to us.

CHAIRMAN MUNDEN: Tom Fote.

MR. THOMAS FOTE: I think the lack of commercial fishermen at the hearings in New Jersey doesn't reflect a lack of interest. It basically reflects the lack that they haven't had a fishery in a couple of years.

Until we rebuild the stock, I guess we're not going to have a fishery in New Jersey. Five years ago we were landing fish. I could watch them coming in on Point Pleasant. There is no fish coming in.

Until we rebuild the stocks, we're not going to have a fishery.

That's kind of hurting the fishermen in New Jersey and we're waiting for the stocks to rebuild. It's not because there is not a lack of interest, but it's because we can't catch fish. We can't land fish.

CHAIRMAN MUNDEN: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I also was at the hearing in Massachusetts, and I'd like to add my perspective to Dr. Pierce's comments.

And that was this hearing was well attended by over 40 people. It was in a building that was downstairs from a

bar. The people that attended were very emotional. Mr. Diodati was also present.

What I would like to recognize is that several times during this meeting, as emotions rose I was very impressed with Dr. Pierce's conduct of the meeting and his willingness and promptness in taking a leadership role and deflecting some of that energy away from our staff and directing it, instead, to the Commonwealth and the department.

I was very impressed with the professionalism and the good job he did towards that. I appreciate very much and would like to publicly thank him for looking out for our staff in that situation. So, thank you very much, Dave.

CHAIRMAN MUNDEN: Other comments from board members. Gil.

MR. POPE: Yes, thank you very much. During your presentation you mentioned that in North Carolina and other places they were talking about limiting bycatch. Do you mean utilizing the bycatch or limiting it in some way? It would be much better if you could utilize it, I would think.

MS. GAMBLE: I don't recall saying that, Gil. But they definitely -- oh, I'm sorry, yes, I do. They wanted more options included in the plan that dealt with bycatch in order to curb it because it's such a big issue.

MR. POPE: Okay, I'm surprised they wouldn't want to utilize it.

MS. GAMBLE: They didn't say how we should deal with it.

CHAIRMAN MUNDEN: Other comments or questions from board members? Comments or questions from members of the public? Pres Pate.

MR. PRESTON PATE, JR.: I'm a public because he has my proxy. Just a point of clarification. I heard some conflicting comments made between what Megan reported and David Pierce reported on the fishermen's perception or the fishermen's information about the value of the fish at varying levels of landing.

I think Megan said that the fishermen reported that they get a higher value when the landings are high, unlike other species that we manage. I think David just said that the fishermen get a higher value at lower landings.

I'd like some clarification on that, please.

MS. GAMBLE: Maybe David can clarify because I'm only conveying a message that I heard at the public hearing.

DR. PIERCE: Yes, Pres, the point was made -- and this is something the division has recognized for a long time because of our restrictions on the fishery. In past years extremely large amounts of dogfish were being landed, overwhelming the processors' capabilities of handling the fish.

And as a consequence of that, too many fish were landed for the benefit of the resource and, of course, prices just dropped. Now processors are able to plan better for what is being landed and they are able to, well, get a better product.

The fishermen aren't bringing in everything. They're more selective. The price per pound is up. And as a consequence, the relatively small landing limit of 7,000 pounds results in a relatively significant amount of income for a great deal of fishermen who are operating with a very restricted season.

So at least we're seeing that with the restricted season that we've had in Massachusetts recently, there has been some economic benefit resulting from a relatively small quota; an outcome I hoped would happen and indeed it did happen, as opposed to 7,000 pounds and the continued low level of price per pound, which would not make 7,000 pounds worthwhile. So it's fortunately very worthwhile.

And that point was made by a number of fishermen, one in particular who revealed his income from spiny dogfish and immediately said, "Well, maybe I shouldn't have said that." It was good to see those sorts of revelations.

CHAIRMAN MUNDEN: Megan also would like to provide information on that.

MS. GAMBLE: I actually just wanted to point out that I don't think the comments I'm reporting and the ones that David were reporting are conflicting because the comments I heard were comparing the 300-pound/600-pound trip limit to the 7,000 pounds; whereas, David is talking about the 7,000 pound being a lower trip limit compared to what historically they were landing. So it's not conflicting.

CHAIRMAN MUNDEN: Other questions, comments, concerning public hearing?

REVIEW OF THE DRAFT SPINY DOGFISH FMP

The next thing on the agenda is the draft Spiny Dogfish FMP. What I will do is ask Megan to walk us through the process that lies ahead of us as to what we need to accomplish today and what we will have to do relative to the FMP's adoption. Megan, if you would, review that for us.

MS. GAMBLE: Well, the idea today is to go through the various options included within the FMP and to have the board choose their management program for spiny dogfish.

After today I'm hoping that the board provides staff with a directive to go back and make this document look a little prettier and so that all the options the board wants to have in the FMP are there.

So the plan is for staff to develop that over this fall and to bring it back to you all for a final approval during our annual meeting in November.

A couple of things to keep in mind as we are going through these options; first, the emergency action does expire January 31, 2003, and that is likely going to be before the implementation of this management plan so that needs to be put into consideration.

Also, we will have to weigh when we want the states to implement the regulations in their own states.

CHAIRMAN MUNDEN: George.

MR. LAPOINTE: Megan, what day in January did the emergency expire?

MS. GAMBLE: January 31st.

MR. LAPOINTE: Thirty-first. And our regulations allow what sequencing in emergencies?

MS. GAMBLE: Oh, we're done with extensions. We've used them all up.

MR. LAPOINTE: We're at the end of the string?

MS. GAMBLE: Yes.

CHAIRMAN MUNDEN: Gordon.

MR. GORDON COLVIN: Mr. Chairman, while we're talking about the time frame for rolling out the process here, I wonder if you, as chairman of the council committee, or Rich could help us by getting on the record the expected schedule for the development of the federal FMP amendment and its time frame for development, review and adoption, just so we can see how it all fits.

CHAIRMAN MUNDEN: I'd like to ask Rich Seagraves to bring us up to date as to what is on tap for the Mid-Atlantic-New England Council Joint Plan.

MR. SEAGRAVES: Thanks, Red. The Joint Committee is scheduled to meet in conjunction with the next council meeting. I believe it's the 30th of September, the Monday before the meeting in Clermont, Delaware.

On that agenda we will be setting the 2003 specs and the second half of that will be dealing with Amendment 1. I think I had reported to you at prior meetings there's about eight or nine issues that are outstanding, one being the rebuilding target.

Also, we'll be looking at rebuilding schedules that are much longer than we had previously anticipated, most of the other things that you are also looking at in this amendment. So that will be the kickoff for Amendment 1.

I'll recognize Jim Armstrong sitting in the audience next to me over there. Jim is now a member of the Mid-Atlantic Council professional staff. He will be working with me on spiny dogfish. So we'll have some more, another body, a number cruncher involved.

We anticipate over probably about the 12 months beginning around October 1 that we'd be developing this amendment and submitting it. So we've got about a year.

CHAIRMAN MUNDEN: I'd like to add two things to that. Number 1 is that we anticipate a full-day meeting on September 30th of the Joint Board. We probably will start at 10:00 in the morning and go until 4 or 5 in the afternoon, if we need to meet that long.

And the other thing is that some of you may realize that Jim Armstrong formerly worked for the North Carolina

Division of Marine Fisheries, and we certainly hope that by assigning him to spiny dogfish he will see fit to return to North Carolina as our stock assessment biologist. Tom Fote.

MR. FOTE: You said at a joint meeting of the board?

CHAIRMAN MUNDEN: There will be a joint meeting on September 30th in Clermont, Delaware, of the New England-Mid-Atlantic Council Spiny Dogfish Board. This is the council. You can attend if you'd like. It's open to the public. Other comments from the board? Harry.

MR. MEARS: Mr. Chairman, I think it would be helpful at this time for a clarification of the intent of what is to be accomplished today with regard to the draft we have before us as it might pertain to the timing and intended action at the next dogfish board meeting.

MS. GAMBLE: I apologize, Harry, maybe I didn't make that clear. Today staff is looking for the management board to choose their options. Then I will go back and revise the management plan, and then the board is hopefully going to move forward with final approval during the annual meeting.

CHAIRMAN MUNDEN: Other comments or questions? What I would like to do is ask Megan to go through the draft FMP. She will present the options to the board. Then I will ask for motions as to preferred options to appear in the revised fisheries management plan, which we will approve at our November meeting if all goes well. Megan.

MS. GAMBLE: Thanks. I guess one other piece of the puzzle I would like to bring to the board's attention is that the spiny dogfish will go through the SAW/SARC process next spring, in 2003.

I was just discussing with our chairman that my presentation does follow the executive summary, so if you would open up to that, you can follow along with this presentation.

The first part of the management plan I wanted to remind the board of, and has not changed, are the FMP goals. Those are to promote stock rebuilding and management of spiny dogfish fishery in a manner that is biologically, economically, socially, and ecologically sound. As long as the board has no problem with that, I'm just going to keep moving forward.

The next component of the management plan are the objectives. The first is to reduce fishing mortality and rebuild the spawning stock biomass to prevent recruitment failure and support a more sustainable fishery.

The second objective mentioned in the plan is to coordinate management activities between state, federal and Canadian waters to ensure complementary regulations throughout the species range. The third objective mentioned in the plan is to minimize regulatory discards and bycatch of spiny dogfish within state waters.

The fourth, to allocate the available resource in a biologically sustainable manner that is equitable to all the fishers. And then, last, obtain biological and fishery-related data from state waters to improve the spiny dogfish stock assessment.

CHAIRMAN MUNDEN: As Megan goes through these items, I will assume that silence is a sign of concurrence. If no one has a problem with any of the things that she is putting forward, then we'll assume that the board is in concurrence with these recommendations or these options.

And one other thing is that, again, as Megan pointed out, all of these options are summarized in the executive summary, but we also have the specific page numbers within the draft FMP should you want to turn to that section and look at the more detailed discussions.

So if anyone would like, during the discussions, to know what page this information is located in the draft, just raise your hand and we'll identify that. Thank you, Megan.

MS. GAMBLE: The management area defined by the interstate management plan is the entire coastwide distribution of the resource from the estuaries to the inshore boundary of the Exclusive Economic Zone.

The first choice for the board to decide upon is the spawning stock rebuilding target. This table shows -- and please note that the first two rows are options for the target biomass. The third row is a minimum biomass threshold and is not an option.

Then the last row shows the current spawning stock biomass. I would like to point out that does not include

the 2002 Spring Trawl Survey.

So the first option for a target biomass is 100 percent of the spawning stock biomass, and that sets it at 167,000 metric tons. The second option is 90 percent of the spawning stock biomass, and that's 150,300 metric tons.

CHAIRMAN MUNDEN: We need a motion from the board as to what the preferred biomass is. I recognize Eric.

MR. ERIC SCHWAAB: Thank you, Mr. Chairman. I would move adoption of Option 1, the 100 percent spawning stock biomass target.

CHAIRMAN MUNDEN: Do I have a second? Pat Augustine. Discussion from the board. Dave Pierce.

DR. PIERCE: Just a clarification. I assume this is female spawning stock biomass. It doesn't come across as indicating that's the case. We're not talking male and female spawning stock biomass; it's female, correct?

MS. GAMBLE: It is female and I can make that clear when I do revise the document.

DR. PIERCE: Okay, we probably should. Option 1 versus Option 2 it's council history, and I'm not going to go there because it's an unsettling history.

There has been a great deal of debate at the council level, certainly two years ago, about what the SSBmax should be. The Mid-Atlantic Council and the New England Council had a different point of view regarding that, and it was reflected in two different votes.

When all was said and done, the National Marine Fisheries Service, because there was a difference of opinion, selected the SSBmax that the Mid-Atlantic Council had adopted. And that's fine; that was the Service's choice. So there's history here.

I think the question is more what should the SSBmax be instead of should it be 100 percent or 90 percent. We won't go there. SSBmax is as it is and maybe there will be some further discussion about that and maybe a change as a consequence of what Megan just indicated, that there will be a spring SARC.

I'm sure this will be a topic for a lot of discussion at the

spring SARC. So I would say that Option 1 makes the most sense regarding our need to key in on SSBmax with an understanding that, indeed, that may change as the months go on and further assessment scientist's work is done on this issue.

CHAIRMAN MUNDEN: Other comments? The question has been called. I would ask the maker of the motion to read the motion for the record, so, Eric, if you would please read the motion.

MR. SCHWAAB: **Move to adopt Option 1, the 100 percent spawning stock biomass target.**

CHAIRMAN MUNDEN: Are we ready to vote?

DR. PIERCE: We need a caucus, Mr. Chairman.

CHAIRMAN MUNDEN: Sorry, new procedure. We'll take time for a caucus.

(Whereupon, a caucus was held.)

CHAIRMAN MUNDEN: Are the board members ready to vote? We'll do this by a voice vote. All in favor of the motion, indicate by saying aye; opposed; null votes. **The motion passes.** Megan.

MS. GAMBLE: The next component of the management plan deals with the stock rebuilding schedule. Just to remind the board of the options, the first is to rebuild the biomass within ten years or less.

This was included in the management plan in order to provide some sort of similarity to the current rebuilding plan in the federal management plan for spiny dogfish, although it is recognized that will be changed as they go through their amendment process. Pat.

MR. AUGUSTINE: Are we ready for a motion?

MS. GAMBLE: If you don't mind, I'd like to explain all four.

MR. AUGUSTINE: I thought we could read, but if you want to explain, go ahead, Joe needs the money.

MS. GAMBLE: Option 2 is a rebuilding

period associated with the fishing mortality rate of 0.03. According to the projections that the board reviewed at our last meeting, there's a 50 percent probability that the stock will rebuild under this strategy by 2016.

Option 3 is a rebuilding period associated with a constant quota of 8.82 million pounds. And, again, according to the projections the board reviewed at their last meeting, there's a 50 percent probability that the stock will rebuild by 2020.

And then, finally, Option 4 is a rebuilding period associated with a constant quota of 5.5 million pounds, and there is a 50 percent probability that this strategy will rebuild by 2016.

And just to remind the board, Option 4 was a recommendation from the technical committee in order to develop a constant harvest strategy that will rebuild within the same time frame as the constant fishing mortality strategy. Those are the options for our stock rebuilding schedule.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I'd like to move that we accept Option 2, a rebuilding schedule consistent with the time necessary to rebuild if an F of 0.03 is maintained.**

CHAIRMAN MUNDEN: Second to the motion? **Harry, seconds.** I have Tom Fote.

MR. FOTE: Just a question since I'm new to the Spiny Dogfish Board. Basically what is the council looking at; since you said they are looking at a different strategy than they have before?

MS. GAMBLE: I think I'd like to defer to Rich, if he doesn't mind. The question was what type of rebuilding schedule is the council looking at for their amendment.

MR. SEAGRAVES: So far the discussion has revolved around Option 2. There was a general sense amongst the joint committee -- when I say "joint committee" I mean Mid-Atlantic-New England Dogfish Committee -- that under Magnuson you have generally ten years to rebuild or less, the maximum being ten years, unless biology, treaty or otherwise doesn't allow you to.

When we first started the plan, we could show rebuilding in as little as five years if the target was 90 percent. It was about 10 years if it was 100 percent SSBmax.

So we got into a situation where we adopted a target, or at least submitted a target to the Secretary, 90 percent SSBmax which was disapproved, but the rebuilding schedule which showed we could rebuild to that level in five years if F 0.03 was approved.

So, obviously, things have changed now. It's going to take in excess of -- in fact, Option 1 is not doable. You can't rebuild in ten years even at F at zero at the current stock size, about 14 years.

So, the philosophical discussion or agreements thus far has been that the joint committee said now that we can extend under Magnuson beyond ten years, we would probably want to look at a time frame that is consistent with the rebuilding time required under an F of 0.03.

Now, whether or not that holds up as we develop Amendment 1, that's going to be one of the options, and that is, thus far, what has transpired at the committee level. That could change, but that's where we are.

CHAIRMAN MUNDEN: To add to that, I believe Rich Seagraves said that we would be considering the constant harvest strategy as one of our options.

MR. SEAGRAVES: Yes.

CHAIRMAN MUNDEN: 8.8 million will be one of the options that we intend to go forward with, but that would be up to the board, also.

MR. SEAGRAVES: Right. And an F of zero, also, or a quota of zero has also been put up on the table. But the general philosophy has been to keep the rebuilding time frame, because now we're allowed the amount of time required, if F equals zero plus one mean generation time, which we have variously estimated to be about maybe 30-35 years under Magnuson.

The concern is that we have very little or no confidence beyond five to ten years of our projections. Certainly, out at 30 years we would have very little confidence in that. So the philosophy is to maintain a relatively shorter time frame consistent with the F of 0.03.

CHAIRMAN MUNDEN: I had several hands

to go up on this side of the table. I've recognized Gil Pope first. Did someone else over in that section want to speak? Okay, I recognize Gil.

MR. POPE: While we have Rich at the table, I'd like to ask him a question.

CHAIRMAN MUNDEN: And then it will be Dave Pierce and Bill Adler. So, Gil, if you would go ahead.

MR. POPE: Yes, on page 95 of this document, which is the appendix that I'm looking at, you have the different proposals and what you expect to attain. In looking at an F of 0.028, it looks like you get more biomass farther out until you get way, way out. So, I'm just curious as to how confident you are in some of these figures in the appendix.

MR. SEAGRAVES: Well, unfortunately I don't have them in front of me, but I assume you're talking about the projections that Paul had presented. Again, we have less and less confidence as time goes on of what is going to happen in the future.

That has been the primary reason we have stuck -- that the Mid-Atlantic Council, at least, has maintained their position to maintain the F as low as we can keep it initially, which would give us the greatest probability rebuilding in the short term. And we have, frankly, not a lot of confidence out past five to ten years.

CHAIRMAN MUNDEN: Dave Pierce.

DR. PIERCE: Well, we're already inadvertently jumping ahead to Section 4.0, management program implementation, because these are all tied together, obviously. If Option 2 for stock rebuilding schedules is selected, if this motion passes, then we pretty much know that we've got about five more minutes left of discussion here this morning on dogfish.

Option 2 sets the current strategy of 0.03 -- I know you want to go to lunch, Pat, and that's why you made the motion.

MR. AUGUSTINE: I'm not hungry; I had a big breakfast.

DR. PIERCE: Oh, okay, all right, thank you. This motion translates into the F of 0.03 and the 300/600 pound landing limits, the bycatch fishery.

I think we all know that, and I've already made my point, often, at previous meetings and this morning a little earlier on about how it's a real disservice to the industry to pretend that there really is any sort of an opportunity to land dogfish for 300 or 600 pounds. It's not going to happen.

For all practical purposes, this is a closure of the fishery for many years to come. Now, Option 3, stock rebuilding schedule, is the one I clearly favor -- that's pretty obvious -- a rebuilding schedule consistent with the time necessary to rebuild at the constant quota of 8.82 million pounds is maintained.

Projections of how abundance changes over time with Option 3 versus Option 2 versus Option 4 have been shown, and, frankly, with Option 3 we're not going to collapse the spiny dogfish resource. That's just not true.

The projections have been done to show that there is steady rebuilding of the dogfish resource. Yes, we do get to the ultimate target a little bit later, we presume. With the constant F of 300/600 pounds as opposed to the 8.82 million pounds, we get there maybe four years later.

But the bottom line is the resource still continues to rebuild. And if for some reason the resource isn't rebuilding as we expect, then the projections will still parallel each other for the most part.

We'll just lower a little bit perhaps because of the lack of pup production for whatever reason. I don't think it makes any sense for us to pursue Option 2. It's a disservice to the industry, as I said.

Regarding what's said in Option 3, "there's greater uncertainty or risk in the projections of rebuilding to SSBmax under the constant harvest strategy," well, I suppose there is some greater uncertainty; not that we're certain with any of these projections because we're not.

Projecting all the way out to 2020 or 2017 is an awful difficult thing to do with the many, many important assumptions, discard mortality being one important assumption. Is there any greater risk in the projection? Well, I suppose there's some greater risk.

Is it quantified? I suppose someone has quantified it. I think there's something in the document that gets to that issue but, frankly, I don't have great confidence in those calculations of risk.

Again, focus on the projections, focus on the fact that the resource is going to rebuild on a parallel course regardless of the F that is chosen shy of, of course, F is equal to zero which is impossible to obtain.

So, I would move us to substitute. I would move to substitute Option 3. **That's my substitute motion, Mr. Chair, that we adopt Option 3, a rebuilding schedule consistent with the time necessary to rebuild at the constant quota if 8.82 million pounds is maintained.**

CHAIRMAN MUNDEN: Is there a second to the substitute motion?

MR. COLVIN: Point of order.

CHAIRMAN MUNDEN: Mr. Colvin.

MR. COLVIN: Mr. Chairman, one of the things that always raises questions in my mind is the proper use and improper use of substitute motions in our proceedings.

I just want to raise the point of order that it seems to me that from a parliamentary perspective, the proper course of action here, when we have a series of very clear, distinct alternatives, is that if a member is displeased with the specific alternative on the table, the option is to vote it down and then make a new motion.

And that would be my suggestion, rather than go through a series of so-called substitute motions which are entirely, completely different and are intended, frankly, to divert the body from the motion that's on the table.

CHAIRMAN MUNDEN: Dr. Pierce, I will recognize you after I talk --

DR. PIERCE: Another point of order.

CHAIRMAN MUNDEN: -- with Mr. O'Shea.

DR. PIERCE: Another point of order, it's perfectly --

CHAIRMAN MUNDEN: Dr. Pierce, hold one second, please.

DR. PIERCE: Yes.

CHAIRMAN MUNDEN: The decision among the "four peak lawyers", as the chairman of the Mid-Atlantic Council calls folks like us, is that it is appropriate for a substitute motion to be offered. If Dr. Pierce gets a second on his substitute motion, we will address that.

And if it is voted then down, then we will go back to the original motion. So, I'm asking if there is a second to Dr. Pierce's substitute motion. **Seconded by Pat White.** Discussion on the substitute motion. Bill Adler, I had you on the list for comments after Dr. Pierce.

MR. ADLER: Thank you, Mr. Chairman. I'm glad this was put up on the table, anyway, because I couldn't support the other one. This does a better job. The substitute motion does a better job at addressing some of the goals that we just went through, the economically, socially, sound measures and also some of the objectives here which is to minimize the regulatory discard and bycatch of spiny dogfish.

Because I find the other -- that this is better because, first of all, the other one denies fisheries, the fishery idea, and it denies the businesses -- and it's really ridiculous given all the fish that are out there.

Whereas, this particular motion that's on the table for Option 3 also does, in fact, allow some fishery to take place. It does rebuild so that it does follow through with rebuilding. It does allow the social and economic parts that we want in this plan.

And at the same time, it does do a job on perhaps cutting down on the bycatch which otherwise would be absolutely ridiculous. So, that's the reason I would support this substitute motion, for all those reasons. Thank you.

CHAIRMAN MUNDEN: Thank you. I'm going to go to George Lapointe, and I saw a hand over on this side of the table. If someone wishes to speak, please raise your hand. I'll go with George Lapointe and then Gil Pope.

MR. LAPOINTE: The document before us indicates, I think, that the 50 percent probability for rebuilding under this option would be 2020. The depressed pup production, if that's the correct term, would lengthen that rebuilding period, would it not? I

mean, that would make sense to me but --

MS. GAMBLE: I don't know if Steve is still in the room. It may be more appropriate for him to address this. But these projections were done before we had the 2002 Spring Trawl Survey data in place, so we used what was available to us which was through 2001. And pup production was still on a five-year low at that point. Steve, do you want to add to that?

MR. CORREIA: Yes. In general, I would say that the lower pup production indicates that the projections that we did last time are likely to be optimistic and rebuilding would be extended.

But, I think I would hold judgement until you get the projections because the biomass is also a little bit higher than what it was previously. So it's a difficult question, but in general I would say that with the lower pup production, it's going to end up lengthening the rebuilding period.

MR. LAPOINTE: And the difficulty is we can't hold judgement because we have to vote on an option.

MS. GAMBLE: But another factor that the technical committee talked about is once these projections are revised to include the Canadian landings, that may also draw out the rebuilding period.

MR. CORREIA: That's right.

CHAIRMAN MUNDEN: Gil Pope.

MR. POPE: Thank you. Even though I agree with the substitute motion, and I will support it, Pat, I do have to agree with Gordon on substitute motions should be more or less for perfecting the previous motion rather than just making a new one. But I will support this one. Thank you.

CHAIRMAN MUNDEN: Vito.

MR. CALOMO: Thank you, Mr. Chairman. I've got to compose myself for a moment trying to figure out where we're going. To turn discards which are happening throughout all the fisheries, the dogfish are going overboard, I don't believe the survival rate is that great.

To turn the discards into landings in such a trivial amount of 8.8 million pounds versus the 900 million

pounds of the biomass seems to be a small, thin line held out to the fishermen to try to save themselves in these trying times of rebuilding many, many, many stocks.

I listened to fishermen from other areas other than to the Northeast talking about bringing in dead fish because they were dead, and they would be over the quota. Yet, they were dead fish and a lot of people understood it, such as myself, and voted for it.

And I'm just saying this is the same thing except the biomass is tremendous. We need to have concern, yes, for the females, the pups, there is no question about it. We're not unleashing tremendous amounts of harvest.

We're actually talking about, during that fishing time, is turning discards into landings, fish that would go back into the ocean dead, giving people an opportunity to make some money and continue to survive during the rebuilding process.

I urge you all, because we are the Atlantic States Marine Fisheries Commission, to vote for this because it is the right thing to do. Thank you.

CHAIRMAN MUNDEN: Next I have Dave Cupka followed by Dave Pierce and then Eric Schwaab. So, Dave Cupka.

MR. DAVID CUPKA: Thank you, Mr. Chairman. Megan touched on the point I wanted to make, which was the impact of the Canadian fishery also on the rebuilding schedule, which, if I understood the presentation earlier, would extend the rebuilding schedule.

I don't think that component of the fishery has been taken into account in these analyses. It's apparently a fishery that has grown and is having even more impact now than it was several years ago. I just wanted to make that point, and I think Megan had already referred to that. Thank you.

CHAIRMAN MUNDEN: Dave Pierce.

DR. PIERCE: Well, David Cupka just made an important point. It's one that we need to focus on and we alluded to it early on in our discussions about Canada and what to do in the future.

One of our objectives is to coordinate management activities between state, federal and Canadian waters to

ensure complementary regulations throughout the species range. So, obviously, this is a complication dealing with the Canadians.

On the New England Council I have listened to many reports given by David Borden regarding his involvement with the Canadians, that committee that the New England Council has to develop sharing agreements with the Canadians on groundfish for cod and haddock and a few other species.

Dogfish certainly is going to be raised to the top of the list or at least included in the list for further discussion. That makes me wonder how will the U.S. be in a position -- David representing the New England Council, let's say -- be in a position to argue for an appropriate "share" of the quota for dogfish, whatever that may be.

How are we going to argue for that appropriate share if indeed we're now developing a database that would involve very, very low landings of dogfish in the United States versus what will be landed in Canada?

We've been burned in the past regarding sharing agreements, percent shares, four different species, largely because of conservation measures taken in the U.S. versus not so much in Canada. It has come back to haunt us.

I would not want dogfish to haunt us as well. I would not want to put the Canadians in a stronger position to argue for a higher percent share than they otherwise should get of the dogfish resource.

Plus, my perspective is that in order to get the Canadians to budge off of what they're now apparently going to land, we need to be debating with them, negotiating with them from a position of strength, and that position of strength would be an equal amount, which equates almost to the 8.8 million pounds.

Then both nations can work together to reduce, collectively, the total quota for dogfish to be consistent with agreed-upon rebuilding goals. So, to my way of thinking, that's just another argument for our going with the 8.8 million pounds.

It puts us in a better position to bargain with the Canadians and to get ourselves an eventual appropriate fair share of whatever is allowed for harvest.

CHAIRMAN MUNDEN: Eric Schwaab.

MR. SCHWAAB: Thank you, Mr. Chairman. I can't support the substitute motion. It's my intention to support the original motion for the reasons that have already been addressed here, specifically, this concern for the increase in Canadian landings a well as the recent poor pup production numbers.

Both, I think, introduce additional risk and further lengthen an already long rebuilding process. I just wanted to reemphasize those points that have already been brought up and advocate the original motion.

CHAIRMAN MUNDEN: Next I have Mr. Colvin followed by Mr. Lapointe.

MR. COLVIN: Thank you. Earlier Dr. Pierce made the point that the motion offered by Mr. Augustine, if passed, kind of paved the way for a lot of other action later. Obviously, this substitute motion has the same effect and, therefore, my comments sort of will apply to and will not be repeated later when other issues come up because it does, if passed, set the path.

Let me first say that I agree with Mr. Schwaab. I think that, rather reluctantly, I feel that right now because of where we are we need to stay the course that we are on.

This is not to say that a lot of excellent points haven't been made and a lot of very, very important and valid points haven't been made about the social and economic issues that attend to this. Those points are very important and I've thought about them long and hard in coming to this view.

Nonetheless, to me there are a couple of overwhelming issues that ultimately carry my view. And one is that-- and this hasn't been said yet but it's very important to me, and I think I've articulated this in the past -- we're in this kind of leap-frog situation between the interstate and federal process.

I can't at this point conceive of how it is in the interests of the Atlantic States Marine Fisheries Commission at this time to introduce a whole new and different management regime for spiny dogfish than that which has been established through the federal process and is presently under review.

The councils, and hopefully ultimately the Commission, are jointly developing and reviewing spiny dogfish management over the course of the next year to year and a half.

Within that time frame, there will be a new authoritative peer-reviewed stock assessment update that will make much of the speculation that we're talking about, recovery schedules much more definitive and clearly kind of set the federal rules and parameters very clearly for the decision-making in that process.

The consequences, it seems to me, of the commission going forward now with something entirely different and allowing substantially increased harvest of spiny dogfish in state waters in advance of that process, the consequences to the Commission need to be considered by the members of the board and the members of the Commission before we went ahead with such a course of action.

I'm not going to get into what they might be; just think about them. The other thing is that in light of all the uncertainty and where the federal process might go, if I have to look at all the data that I've been presented with looking at and say where does it leave me -- and there have been many excellent points made and analyses and conclusions offered with respect to the data, but to me it boils down to this.

There has been no measurable recruitment in this animal, in this species, for six years, and I am very troubled by that. And we can speculate until the cows come home about the reasons for it or what we ought to do about it, but the fact of it is inescapable.

And particularly in light of the ongoing federal deliberation, the upcoming federal reassessment, I'm not willing to support increasing exploitation at this time given that pretty cold, hard fact.

Just one or two other small observations that are less important, but I think they trouble me just a little bit. I've heard some comments to the effect that we need to turn discards into landings, and, of course, that's a concern and a consideration in many fisheries that bothers us a great deal.

We certainly wanted to try to do that. On the other hand, I hear in this fishery that there is a need for a small-scale directed fishery. I think those are words I've heard. And, frankly, I don't know how to reconcile those two observations.

Another point is that this whole situation with respect to the Canadian fishery has come up rather suddenly. At least it has come to my attention rather suddenly. It's

troubling. We certainly need to give a lot of thought to how we address it.

I don't think the way to address it is to say, well, then we should have -- the United States should harvest more fish to put ourselves in a position of strength. I would respectfully disagree with Dr. Pierce on that point.

I'm not sure what our response should be, but I think that we clearly need to give priority attention to that in partnership with the councils and the National Marine Fisheries Service. That's going to require some attention, I think, by the Commission as a whole.

We have largely not, as a commission, gotten in too much to the U.S./Canada kinds of issues that have preoccupied folks in New England. It would seem now that with dogfish, the Commission is going to have a new horizon open to it and we need to plan for that. Thank you, Mr. Chairman.

CHAIRMAN MUNDEN: George Lapointe.

MR. LAPOINTE: I share many of Gordon's concerns. My main comment was going to be about the negotiation with the Canadians. Having been involved in some of those recently, my general comment is that the Canadians are skilled negotiators and they will use their position, whatever it is.

And so that's, in my mind, not a good reason to vote one way or the other on Option 2. It should be on the merits of the rebuilding schedule, the risks to the rebuilding schedule and the socio-economic consequences therein.

CHAIRMAN MUNDEN: Dave Pierce and then Bill Adler.

DR. PIERCE: Gordon Colvin made some very important points regarding who is in the lead, the council, ASMFC, shouldn't the Council be in the lead. There's a federal plan in place right now. A lot of discussions are ongoing. A meeting is being planned.

I appreciate that. He's right on target there, but I would maintain that the future of any directed fishery for dogfish lies in state waters. I can say that because of the often repeated position by the National Marine Fisheries Service, a position I disagree with.

It's a position that's reflected in the comments provided

by Pat Kurkul, page 42-- I guess it's page 42 of all the comments -- where she says very clearly -- and this is not a surprise, she has said it before -- "Because the directed fishery targets larger predominantly female dogfish and because there is no way to fish selectively for male dogfish, the continuation of directed fishing will continue to deplete the biomass of mature females.

"I strongly oppose a rebuilding program that would allow the continuation of directed fishing because it is inappropriate given the condition of the stock."

That's her position; it will not change. I suspect that even after the SARC is completed, there won't be any revelations, not really, slow-growing fish. We know what the situation is right now regarding stock status and rebuilding.

Therefore, the federal fate of the dogfish fishery, I think, is pretty much sealed, unless I'm astonished by some change in opinion by the National Marine Fisheries Service which I don't see coming.

If there is to be any fishery for dogfish, if there is to be any socio-economic gain, if there is to be any additional collecting of fishery-related data to improve stock assessments -- the last objective on the list -- it will have to come through effort in state waters.

Massachusetts certainly is committed to doing that. Therefore, my feeling is that if there is to be any directed fishery on dogfish, for all the good reasons that there should be a directed fishery, it will have to come about through specific ASMFC action.

And as I said at the last board meeting, it will have to come about through ASMFC taking the lead and giving some direction to the councils as to what is appropriate.

I know there is a chasm here between the different perspectives as to what should be done for dogfish and a number of individuals have already expressed their views regarding their intent to vote down the substitute and approve the Option 2.

If you choose to do so, fine. I mean, that is your choice. But, remember, if you do so, you are supporting this rather farcical approach that we now have in federal waters which is this bycatch fishery only that frankly is insulting to just about everyone's intelligence because it doesn't work.

The quota will not be landed, 4 million pounds equating

to the F 0.03. It will not be landed. The processors have said it. The fishermen have said it many times over. And from my witnessing of the fishery in operation, from my own individual sea sampling efforts, from my own port sampling efforts, I know it's true.

CHAIRMAN MUNDEN: I have Bill Adler and then Dave Borden.

MR. ADLER: Thank you, Mr. Chairman. I just wanted to make a couple points here. First of all, this particular option does allow some type of a fishery, or will down the road as we proceed; whereas, the other one basically ends the fishery.

I'm not going to get into the objectives I already mentioned. But I want to go to Vito's comments, which were very well taken here. If you look at the small amount of fish that we're talking about here versus the biomass levels -- and we are all, I know, trying to bring these fish back to some level, I guess.

But, we're not talking about a lot here. Yet we're talking about a number or an option in this particular motion that would allow, further down the road, a couple of pages here, some type of a fishery and not cut everybody off.

The 600/300 concept just isn't going to cut it at all. It's just a waste, as David had said. The last thing was the fact that I'm not in favor of going along with a federal plan that I consider to be wrong for many, many reasons, some of which I've said.

And so I'm not willing to just be lead down the path by the federal plan. I think that the Atlantic States shouldn't be lead down the path by a federal plan. If we can look at the reasoning that we've been talking about here and if it's necessary, let the feds follow us rather than we follow the feds all the time.

So that's another reason why I support this particular option is for the fishermen as well as the stock, and looking at the small number that we're really talking in the big picture. Thank you.

CHAIRMAN MUNDEN: David Borden.

MR. BORDEN: Thank you, Mr. Chairman. The Canadian issue repeatedly has come up. And as I did before, I will offer that once we dispense with this motion, I'd like to make a motion on that specific issue.

And I do so -- I had originally intended to do it later in the meeting but I think it will expedite the deliberations if we take that issue up after we deal with this motion.

CHAIRMAN MUNDEN: Thank you. Harry Mears.

MR. MEARS: Thank you, Mr. Chairman. I would like to support those who have made comments against the substitute motion. And as a side comment, I would hate to see this reduced to a discussion of state versus federal resolve and who is stronger and who should take the lead.

The fact is we have not ever had a blacker picture of the status of the dogfish resource. This is not the time, more than any other time before, to increase the risk that whether we take an increased harvest of 1,000 pounds or 100,000 pounds to compromise any hope which remains at the current time with the current low levels of pup abundance as well as older females.

And it strikes me as ironic that a lot of the support for the substitute motion is understandably predicated upon the socio-economic status and presumably future vitality of the market, of an industry that has had a recent history of becoming successful and showing increasing promise if the resource is sustainable, to become a very real, viable part of the Northeast industry.

The ironic part to me is that the substitute motion in fact could be working in the very opposite direction of the direction that should be taken to ensure the future vitality of that industry. Thank you.

CHAIRMAN MUNDEN: George Lapointe.

MR. LAPOINTE: A question. The choosing of Option 2 or Option 3 does not preclude our choosing Option 1 or Option 2 under possession limits, does it not?

It strikes me that we're automatically assuming that we're going to 300/600, and that may be a strategy we take and we may not have a lot of options, but the two are independent actions, aren't they?

MS. GAMBLE: The document is not written in such a way that they are linked. They are independent options.

CHAIRMAN MUNDEN: Vito.

MR. CALOMO: Thank you, Mr. Chairman. There has been a lot of talk about turning discards into landings; and for the benefit of some that don't understand it, let me be firsthand in explaining what I'm trying to get.

Not so long ago, the New England Council that I sat on for the last three years voted to go to a trip limit in the Gulf of Maine of 30 pounds of codfish. Well, I don't know how many hundreds of thousands of pounds of codfish were thrown overboard, dead. I don't think they've done it any good at all.

And most of you people here are familiar with many nets that catch fish, whether it be an otter trawl or a gillnet or any other pound net or whatever the case may be, I'm not telling you to abuse something.

I'm saying to you that if you try to catch 600 pounds or 300 pounds, there's no way in this man's world that you're not going to throw over 4 or 5,000 pounds because there are many, many, many dogfish. This is a very large biomass in total.

I'm not asking you to rape the ocean and kill the pups and slay the females. That's not what I'm saying to you. I'm saying to you that at this rate of 8.8 million pounds people can earn a living for a short period of time and do other fisheries, because you cannot do one fishery today and make a living.

You must be able to go from one fishery to another. The 8.8 million pounds will help people survive, and it will not desecrate the biomass of dogfish. I ask you people to use a little bit of common sense; and as the Atlantic States Marine Fisheries Commission, which you are members of, not to be lead around by the nose of other councils or other commissions.

Make the decision that you want to make. And if it is not to vote for this, that's your decision. But not be told by somebody else that because they made a decision and it may be wrong, that we should make the same decision.

I ask you to use a little bit of common sense -- 8.8 million pounds versus 900 million pounds. I'm only asking you to help your brother fishermen. I'm not asking you to rape that fishery. Thank you.

CHAIRMAN MUNDEN: I think everyone

pretty much has decided how they stand on this particular issue. I intend to recognize Melvin Shepard and Sonja Fordham, who has very patiently been waiting to comment. So I'll go to Melvin and then I'll go to Sonja. And unless I hear a cry from the board members, then we will bring this to a vote. Melvin.

MR. MELVIN SHEPARD: Mr. Chairman, my point was going to be to call this question. It's time.

CHAIRMAN MUNDEN: Thank you, Mr. Shepard. I would like to allow Sonja to comment, and then we will vote on this substitute motion. Sonja.

MS. FORDHAM: Thank you. Sonja Fordham, the Ocean Conservancy. Just a couple points, mostly of clarification. I don't think it's fair to characterize this as a situation where people are pretending that trip limits will sustain a fishery.

I think many people in this room -- Rich Seagraves for one -- has been for many years very careful and clear to say there is really no way of getting around the biological constraints of this animal and that the trip limits are bycatch limits.

The federal plan clearly tries to discourage directed fishing because that fishing is targeted on mature females, and it hasn't been a successful strategy in terms of conservation.

I want to just clarify that in terms of the projections, there is no evidence of rebuilding. These are projections that are based on fishing mortality rates in many cases that have not yet been achieved.

And, in fact, as we've heard, pup production is much worse than expected. I would think that scenario would argue for the most precautionary approach available. It's not true that the option put forward in the substitute motion reduces or minimizes bycatch or discards.

I say with all sincerity that we tried on the federal level for years to figure out a way around this problem. And if there were some magical way to turn the discard problem into just simply just turn them into landings, I assure you that we would have found it.

There are discards in other fisheries but there are also high discards associated with the directed fishery given that they are targeting a certain age class. So, there are discards of the directed fishery that will not go away if you allow them to land more dogfish.

And perhaps most importantly, I think there is a key difference between selecting a rebuilding scheduled target that's in line with a certain strategy, there's a difference between that and trying to accurately predict when the resource really will rebuild.

And I think that with the new stock assessment and the federal amendment process, we're going to go through and try to get a better, more accurate picture of when the resources really will rebuild.

I think we're talking here about selecting a target that's in line with scientific advice and existing strategies. I would urge you to vote against the substitute motion, against Option 3, and to support the main, original motion that supports Option 2 for a rebuilding schedule. Thank you.

CHAIRMAN MUNDEN: Thank you for your comments, Sonja. The question has been called. We'll take a short caucus period -- no more than a couple of minutes -- then we'll come back and vote on the substitute motion. And then I intend to vote on the main motion and then we'll take that checkout break.

(Whereupon, a caucus was held.)

CHAIRMAN MUNDEN: I will ask all the board members to take a seat at the table. Board members, please rejoin us at the table. Dr. Pierce has asked for a roll call vote. We will have a roll call vote on the substitute motion. I would ask Dr. Pierce to read his substitute motion for the record.

DR. PIERCE: Yes, it's on the board: **Move to substitute with Option 3 a rebuilding schedule consistent with the time necessary to rebuild at the constant quota of 8.82 million pounds as maintained.**

CHAIRMAN MUNDEN: That is the substitute motion. Staff will conduct the roll call vote for us.

MS. GAMBLE: Maine.

MAINE: Null, n-u-l-l, null.

MS. GAMBLE: New Hampshire. I don't think we have anyone. Massachusetts.

MASSACHUSETTS: Yes.

MS. GAMBLE: Rhode Island.

RHODE ISLAND: Yes.

MS. GAMBLE: Connecticut.

CONNECTICUT: No.

MS. GAMBLE: Null or no?

CONNECTICUT: Null, N-u-l-l.

MS. GAMBLE: New York.

CONNECTICUT: No.

MS. GAMBLE: New Jersey.

NEW JERSEY: No.

MS. GAMBLE: Delaware.

DELAWARE: No.

MS. GAMBLE: Maryland.

MARYLAND: No.

MS. GAMBLE: Virginia.

VIRGINIA: No.

MS. GAMBLE: North Carolina.

NORTH CAROLINA: No.

MS. GAMBLE: South Carolina.

SOUTH CAROLINA: No.

MS. GAMBLE: Georgia.

GEORGIA: No.

MS. GAMBLE: Florida.

FLORIDA: No.

MS. GAMBLE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES
SERVICE: No.

MS. GAMBLE: U.S. Fish and Wildlife.

U.S. FISH AND WILDLIFE: No.

MS. GAMBLE: **I have eleven no, two yeses, and two null.**

CHAIRMAN MUNDEN: **The substitute motion fails.** I recognize Tom Fote.

MR. FOTE: I'd like to --

CHAIRMAN MUNDEN: Tom, as I said, my intent is to go to the original motion. Do you have a question concerning clarification of that?

MR. FOTE: No, I was going to call the question on the original motion.

CHAIRMAN MUNDEN: The question has been called. As I understand it, that's a non-debatable issue.

DR. PIERCE: I object to the question being called.

CHAIRMAN MUNDEN: Briefly tell me why you object.

DR. PIERCE: Because there is a need to bring this debate to its logical conclusion; Robert's Rules. I would like to make a substitute motion, another substitute motion, that being to adopt Option 4, which is consistent, equivalent to Option 2 in terms of the time needed to rebuild to the targets.

I would like this board to vote on that particular option. **So that is a motion I make as a substitute, Mr. Chairman, Option 4.**

CHAIRMAN MUNDEN: Dr. Pierce, what you're offering is a substitute motion for a constant quota of 5.5 million pounds.

DR. PIERCE: Instead of F 0.03, which is Option 2, constant quota of 5.5 million pounds, and as it says in the text, "This option was recommended by the Spiny Dogfish Technical Committee in an effort to preserve the original intent of the constant harvest

strategy which was to rebuild to the target spawning stock biomass in the same number of years as the constant fishing mortality strategy."

And then it goes on from there. So it's, for all practical purposes, equivalent to the F 0.03 which, by the way, equates to 4 million pounds as a bycatch quota.

MS. GAMBLE: I just want to clarify that the technical committee is not weighing in on that option. They made a recommendation for its inclusion into the document.

CHAIRMAN MUNDEN: Is there a second to Dr. Pierce's motion?

MR. POPE: **Second.**

CHAIRMAN MUNDEN: Second by Gil Pope. I recognize Tom Fote followed by Pat Augustine.

MR. FOTE: We have basically discussed all these issues. I think it's the same argument so I would just like to call the question.

CHAIRMAN MUNDEN: The question has been called, not debatable. Do we need to caucus? Take two minutes to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN MUNDEN: Board members, are we ready to vote on the second substitute motion? Dr. Pierce has requested a roll call vote, so if the staff would conduct that for us I would greatly appreciate it. Megan.

MS. GAMBLE: Maine.

MAINE: No.

MS. GAMBLE: New Hampshire. (No Response) Massachusetts.

MASSACHUSETTS: Yes.

MS. GAMBLE: Rhode Island.

RHODE ISLAND: Yes.

MS. GAMBLE: Connecticut.

CONNECTICUT: Null.

MS. GAMBLE: New York.

NEW YORK: No.

MS. GAMBLE: New Jersey.

NEW JERSEY: No.

MS. GAMBLE: Delaware.

DELAWARE: No.

MS. GAMBLE: Maryland.

MARYLAND: No.

MS. GAMBLE: Virginia.

VIRGINIA: No.

MS. GAMBLE: North Carolina.

NORTH CAROLINA: No.

MS. GAMBLE: South Carolina.

SOUTH CAROLINA: No.

MS. GAMBLE: Georgia.

GEORGIA: No.

MS. GAMBLE: Florida.

FLORIDA: No.

MS. GAMBLE: National Marine Fisheries Service.

NATIONAL MARINE FISHERIES SERVICE: No.

MS. GAMBLE: U.S. Fish and Wildlife.

U.S. FISH AND WILDLIFE: No.

MS. GAMBLE: **I have twelve nos, two yeses and one null.**

CHAIRMAN MUNDEN: **The substitute motion fails.** That brings us back to the original motion. Is there need or do the board members wish to caucus on the original motion? Board members, are you ready to vote?

I would ask you to vote on the original motion, which was made by Mr. Augustine. And, Mr. Augustine, if you would read that motion for us and the vote will be by a show of hands.

MR. AUGUSTINE: Thank you, Mr. Chairman. **Move to adopt Option 2, a rebuilding schedule consistent with the time necessary to build if an F of 0.03 is maintained.**

CHAIRMAN MUNDEN: Board members all in favor of the motion, please raise your hand; all opposed; null votes. **The motion passes.** And with that, we'll take a ten minute checkout break. Please return promptly at 11:30.

(Whereupon, a recess was taken.)

CHAIRMAN MUNDEN: Let's get started. I've talked with Mr. O'Shea and we plan to do our best to conclude this meeting by noon. That's the scheduled adjournment time. We have a lot left on the agenda.

Dave Borden asked earlier that he be recognized for a motion. So, before we get into additional discussion of the FMP options, I'll ask Dave to make his motion.

MR. BORDEN: Yes, thank you, Mr. Chairman. This will be brief. We've had a number of discussions about this Canadian issue. And, as I indicated before, I've been involved in this for a number of years on some HMS species and herring and now groundfish.

I think there's a process that we can essentially copy in order to move this issue forward. I have crafted this motion and if we can get it up on the screen, **I would move that we request the Northeast Coordinating Council, specifically the regional administrator, to schedule a joint U.S./Canada assessment of the dogfish stock; further, the U.S./Canada Steering Committee should initiate discussions with the Canadians on a sharing agreement governing the harvest of this transboundary resource.** If I get a second, I'll explain this.

MR. LAPOINTE: **Second.**

CHAIRMAN MUNDEN: Second by George Lapointe.

MR. BORDEN: The Northeast --if I've got the title right. It's actually the Northeast Regional Coordinating Council composed of the regional administrator, Mid-Atlantic Council, New England Council, and I believe Vince is our representative.

They get together and specifically schedule work priorities for assessments. There is also a group called the "TRAC Process" which is the Transboundary Resource Assessment Committee, which is composed of scientists from the Center and parallel scientists from the Canadian provinces.

And the process that we followed on groundfish was to schedule a joint assessment on some of the groundfish issues. We are in the process of doing the same thing on the herring issues.

Now the reason that is important to do is that if you don't have a common understanding of what the stock status is, it's totally impossible to negotiate a sharing arrangement. In other words, you have to have a common frame work for deciding the size of the pie. I'll just give you a very simple example. The current status on herring is the U.S. scientists basically say we can take 100,000 plus tons of herring from Georges Bank, and the Canadian scientists' view is we can take 20,000. Well, you can't negotiate a sharing agreement when you have divergent views like this.

So the first part of the motion, essentially, would put it on the agenda. If we pass this motion, Vince would go to that meeting and articulate the views that this should be scheduled.

And the second portion of the motion would -- there's a group called the "U.S./Canada Steering Committee," and specifically a Transboundary Management Committee, which I chair, that negotiates with the Canadians.

And so the second part of the motion would raise this to that level so that we initiate discussion with the Canadians, and that's the appropriate strategy to resolve this issue.

CHAIRMAN MUNDEN: We have a motion

and a second. Discussion on the motion. The question has been called. Do we need time to caucus? Does anyone wish to caucus? Ready to vote on the motion?

This will be a voice vote. All in favor of the motion, indicate by saying aye; no; anyone opposed to the motion; null votes. **The motion passes.**

Now we will return to the review of the draft FMP by staff. Sonja, did you have a comment?

MS. FORDHAM: Very quickly, I just wanted to ask if that motion could be forwarded sort of as a matter of priority because the NAFO policy meeting is coming up in a couple weeks and it is preceded by a scientific symposium on Elasmobranch sharks, skates and rays.

So, Canada will be there along with the United States. I think it would be a good opportunity to start these discussions. So, it would be nice for them to know that you passed such a motion, like next week. Thanks.

MS. GAMBLE: The next section of the management plan deals with the management strategy. Option 1 under this is to remain status quo. Option 2 is the complete closure. Option 3 is a constant fishing mortality with an F equal to 0.03.

Option 4 is a constant harvest strategy, and there are two sub-options. Four-A is to set the total allowable landings at 8.82 million pounds. Option 4B sets the total allowable landings at 5.5 million pounds.

CHAIRMAN MUNDEN: Dave Cupka.

MR. CUPKA: Thank you, Mr. Chairman. I noticed that we skipped over implementation schedules. Is that your intent or was that done purposely to come back to that?

MS. GAMBLE: I was going to bring that up at the end. It kind of seemed appropriate.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I would like to make a motion we accept Option 3, constant fishing mortality, as one of our management strategies.**

CHAIRMAN MUNDEN: **Seconded by Bill**

Cole. Discussion on the motion? Comments from the public? The question has been called. Do we need time to caucus?

We will conduct a voice vote. All in favor of the motion, indicate by saying aye; any opposition; one vote opposed to the motion. **The motion passes.**

MS. GAMBLE: The next section within the FMP is the fishing year. Option 1 sets the fishing year at May 1st to April 30th. This is an option that would make the interstate management plan coordinated with the federal plan. Option 2 is December 1st to November 30th. Option 3 is January 1st to December 31st. Both Option 2 and 3 were included in the management plan in order to shift the fishing year in an effort to create some sort of equitability in the distribution of the resource, in the harvest of the resource. Option 4 is some other alternative fishing year to be proposed by the management board.

CHAIRMAN MUNDEN: I recognize Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I would move that we approve Option 1 that was recommended by all the groups that we were involved with, that we use May 1st-April 30th, to be consistent with the federal management plan for our fishing year.**

CHAIRMAN MUNDEN: Is there a second to Mr. Augustine's motion? **Seconded by Bruce Freeman.** Discussion on the motion? Is there a need to caucus? Mr. Augustine, would you please read your motion.

MR. AUGUSTINE: Thank you, Mr. Chairman. I move that we accept Option 1, May 1st through April 30th, for the management measure for our fishing year.

CHAIRMAN MUNDEN: Board members, are you ready to vote? This will be a voice vote. All in favor of the motion, indicate by saying aye; any opposition to the motion. The motion passes. Dr. Pierce.

DR. PIERCE: We're about to go to the reference periods. And before we discuss the different options and then vote on options, it would be helpful, I

think, for us to know what quota we're looking at for the next fishing year and what equates to the F of 0.03.

It might influence our decisions about reference years and certainly would be very helpful when we talk about quota allocation on page 7. Do we have that information available?

Right now it equates to about 4 million pounds which, of course, is supposed to be a bycatch quota according to the federal government and one council. So, do we have that information?

MS. GAMBLE: The councils have not set the quota for the 2003 to 2004 fishing season. A recommendation will be made by the Monitoring Committee on September 19th and then reviewed by the Joint Committee on September 30th. Although, as you stated, the current quota is 4 million pounds.

The next issue within the management plan is how to allocate the resource. I'm going to go over a couple of options in here before I ask for the board to make a decision.

The first is the semi-annual quota allocation, and there is a lot to consider underneath this option. The first option, 1A, is to use the same criteria as the federal management plan, and that is the first white row at the top of this chart.

They use the current fishing year of May 1 to April 30th, so the board can eliminate some of these options already because they have chosen the May 1 to April 30th fishing year.

The next option to decide is the appropriate reference period for this quota allocation. The federal management plan uses 1990 to 1997, but the plan review team did provide a few other options for our reference periods. The first is 1988 to 1997. The second is 1988 to 1999. The third is 1994 to 1999. And the last is 1994 to 2000.

MR. AUGUSTINE: Point of information, please.

MS. GAMBLE: I want to explain both quota allocations before the board makes a decision. Can you wait on your motion?

MR. AUGUSTINE: I don't want to make a motion, just a point of information. I'm just wondering,

if we chose any of these others as opposed to the federal plan, will there be a major conflict of difference? Maybe Steve could answer that question. Would there be any major differences if we didn't go with the 90-97 and we've come up with these other options? Are we in close proximity?

MR. CORREIA: I'm not sure what the implication of that would be.

MR. AUGUSTINE: Okay. Who do you think could answer that question, Steve?

MR. CORREIA: Is it in the plan, Megan?

MS. GAMBLE: Well, it is. I mean, they are slightly different. So in Period 1 if we chose, let's say, the 1988 to 1997, in Period 1 the state waters is going to have a slightly higher quota. So coordinating with the federal fishery is going to be a little more difficult.

The other part of this option is to keep these percentages fixed between the two periods or do we alternate them; that is to say, for example, if we went with the federal FMP's percentages in 2003 we would have 58 percent of the quota in Period 1; in Period 2 we would have 42 percent of the quota; and then the following year in 2004, Period 1 would have 42 percent of the quota and Period 2 would have 58 percent of the quota.

The next option for allocating the quota is through a regional quota allocation scheme. The first option is a northern and a southern regional allocation. The second option is a tri-regional allocation.

And those three regions are the Gulf of Maine, from Maine to Cape Cod; southern New England, Cape Cod to New York; and then Mid-Atlantic, New Jersey to North Carolina.

And I think you all will recall that during the last board meeting, we talked about how Option 2 would be very difficult because Massachusetts is straddling two different regions, so monitoring that quota would be very difficult.

But as to the percentages associated with those regional quotas, those are in an appendix. This also requires the board to consider reference periods associated with this. Those are the same options that appear in the semi-annual quota allocation.

Just as an explanation as to what was attempted to be captured with these reference periods, 1981 to 1999 is the unregulated commercial fishery, and that is the full period of data that we have for the harvest.

And 1988 to 1997 represents the most accurate available landings for the unregulated commercial fishery. In 1988 dogfish landings improved because spiny dogfish and smooth dogfish were separated out, although there is still a small quantity of those that are lumped together and were unable to be separated out between spiny and smooths.

1997 is used as the end year because it is also the end year used in the federal FMP. 1988 to 1999, again, this represents the most accurate available landings for the unregulated commercial fishery.

After 1999 there was implementation of the federal regulations and there was a significant reduction in landings. 1994 to 1999, again, these are the most accurate available landings, and this is at the peak of the unregulated fishery. The 1990s was the period of the large-scale directed fishery.

1994 to 2000, again, uses the most recent landings, and it covers a period of an unregulated fishery and a regulated fishery. Those are the options for allocating this quota.

CHAIRMAN MUNDEN: Dave Pierce.

DR. PIERCE: Yes, Mr. Chairman, this, obviously, is rather complicated. There are a number of different options. There are a number of percentages available for us to use.

And, frankly, it's hard for me to know which way to go because I don't know what we're sharing by region; because if it's going to be a 4 million pound bycatch quota, then we're not sharing anything. There's no need to even set these measures because there's nothing to land.

If there is going to be a 7,000 pound landing limit, then we can have some serious discussions about how in the world to share whatever is landed, 4 million pounds, let's say. So we're a bit out of order, I would think, with regard to how we're taking the elements of this plan.

And if we knew what the trip limits were, we'd be in a better position to know how to share. With regard to

shares -- let me jump ahead a little bit here, I guess -- I've thought about this a bit and certainly other states have expressed a great desire to have access to dogfish.

They have had fisheries in the past and those fisheries have diminished over time for whatever reason. I know one reason. Perhaps a 50-50 split between regions is appropriate instead of giving it to these different combinations that result from all these different reference periods.

I'll offer that up as a suggestion, that we just go a 50-50 between north and south. I'm not making a motion at this time; I just wonder if anybody is receptive to that and whether or not we can even go in that direction because it wasn't a specific option discussed at the public hearings.

I would like to get away from complex and a long discussion about which option is better and which reference period, for example, is better. I really haven't got any strong opinion one way or another on that.

MR. ROBERT E. BEAL: So, David, just as a question, you're asking if a 50-50 split between the two six-month periods would be appropriate given what we've taken out to public hearing?

DR. PIERCE: Yes, the percentages are very close and then they flip alternate years. So why get into this issue of who goes first and when does it flip, who gets how much.

Perhaps the simplest way to do this is to go with the existing split in seasons, May through October -- I forget. I shouldn't forget -- May through October and November through April; make it 50-50 and then have it the Maine through, whatever the option was, Maine through New York or New Jersey, Maine through New York. And then the other states would be the southern region that would share in the 50 percent.

A simplistic way to go; everybody shares 50-50. And, again, there is no change in percentage one year after the next in an alternating fashion. I'm not sure if that makes -- to me it doesn't make much sense, especially since we're dealing with such small quotas.

CHAIRMAN MUNDEN: Do you want to respond to that Bob?

MR. BEAL: Yes, I think something similar to

what David is proposing is pretty close to the intent of what was taken out to public hearing. There probably needs to be a pretty clear record, a pretty clear discussion on the record of why we selected that versus one of the specific time periods and background periods that is included in the document.

If the board were to select a different percent share than what the federal government has, as Megan said earlier, we're going to have to reconcile that somehow. So it needs to be weighed into this decision a little bit.

But I think if the board has a clear record and is comfortable with making some sort of slight modification on the percentages, it's probably within the range of what was taken out to hearing.

MS. SHIPMAN: We also will be having a public hearing at the meeting where this is finally adopted, so the public would have additional opportunity to weigh in on whatever option is adopted for the final document.

CHAIRMAN MUNDEN: Pres Pate.

MR. PATE: Thank you, Red. As a matter of clarification, if you jump ahead to the seasonal quota allocation and assume that you approve Option 1A, why does the reference period become important?

MS. GAMBLE: If you choose Option 1A, it wouldn't. It's just under Option 1B it takes into account other alternatives, which are those other reference periods.

CHAIRMAN MUNDEN: Dr. Pierce.

DR. PIERCE: In the interest of speed and wrapping this up, **I would make a motion that each year the commercial quota be allocated 50-50 between two regions; the northern region, Maine through New York; and the southern region, New Jersey to North Carolina.**

CHAIRMAN MUNDEN: Is there a second on Dr. Pierce's motion? **Bruce Freeman seconds the motion.** Discussion on the motion. Do the board members wish to caucus? A short break for a caucus.

DR. PIERCE: Well, actually, I should use the language that is in the document. It would be "Maine through New York" and then the other would be "New

Jersey through North Carolina."

CHAIRMAN MUNDEN: We'll take a short period for caucusing.

(Whereupon, a caucus was held.)

CHAIRMAN MUNDEN: Board members, before we vote on this, several problems have been expressed or arisen relative to this motion. First of all, I'd ask the staff to point out the concerns that they have, and then I'll go to Gordon Colvin for comments. So, Bob, if you would explain to the board what you see happening if we pass this motion as it currently exists.

MR. BEAL: Yes, thank you, Mr. Chairman. Yes, a couple board members asked me kind of off line during the break how does this mesh with the federal system that will have two quota periods throughout the year; a six-month period, May through October; and another six-month period, November through April.

And currently the way this is worded right now there is no seasonal split. It's just at the beginning of the fishing year which is May 1, based on the board's previous motion, the northern region would get 50 percent and the southern region would get 50 percent.

So, if the states were to implement this, there may be a situation where the federal quota is landed; however, the north or the south of the region still has part of their quota available, and the federal permitted boats will not be allowed to land spiny dogfish but the state waters will still be open, potentially, during part of the year.

So that's something that probably needs to be considered. One way to handle that is to apply the federal seasonal breakdown, the two six-month periods, and then subdivide those six-month periods 50 percent to the north and 50 percent to the south.

That will ensure that during any six-month period the federal quota, which we assume will be similar or will be identical to ours, won't be exceeded and the federal permit holders and the state permit holders will be open and closed at the same time so there won't be this bias between the different types of permit holders.

CHAIRMAN MUNDEN: Gordon, would you like to add to that?

MR. COLVIN: Mr. Chairman, I'd like to offer a substitute motion.

MR. AUGUSTINE: Even though it's against Robert's Rules.

CHAIRMAN MUNDEN: Make your motion.

MR. COLVIN: **I would like to offer as a substitute motion that we approve under Option 1, seasonal quota allocation, Option 1A, use the same criteria as the federal FMP.**

CHAIRMAN MUNDEN: **Second by Dave Cupka.** Discussion on the motion? The question has been called. Before we vote on this, I would recognize Bruce Freeman.

MR. FREEMAN: I would ask that the motion maker be aware that if this motion passes and we get into the discussion of how those percents are applied -- and I think the previous motion maker went to the 50-50 split in order to get away from the problem of how are you going to apply the 57.9 percent and the 42.1 percent.

If the maker of the motion would essentially modify his motion to indicate a 50-50 split during those two periods, then I think it would resolve that problem.

CHAIRMAN MUNDEN: Mr. Colvin, since you made that motion, are you willing to incorporate Mr. Freeman's suggested change?

MR. COLVIN: It's substantive and I am certainly not hostile to it, but I think it might be in better order that it be offered as an amendment and voted as such.

CHAIRMAN MUNDEN: Mr. Freeman would you wish to amend the motion?

MR. FREEMAN: I would, yes, offer -- do you want a friendly amendment, Gordon, or do you want to vote on this?

MR. COLVIN: No, I wouldn't say it was "unfriendly" or "hostile." I would say it is "neutral." I think it is of sufficient substantive difference that it ought to be voted.

MR. FREEMAN: **Then I would offer a motion to -- there already is a substitute motion -- is this a sub-substitute motion -- to change the**

percentages from 57.9 percent and 42.1 percent to 50-50, and it would apply to both time periods.

CHAIRMAN MUNDEN: Is there a second to Mr. Freeman's amendment?

MR. AUGUSTINE: **Second.**

CHAIRMAN MUNDEN: Pat Augustine seconded the motion. Discussion on the motion?. George Lapointe.

MR. LAPOINTE: Can the maker of the amendment discuss why the shift; I mean, what the justification from the 57-42 to 50-50 would be?

MR. FREEMAN: This issue has been discussed at length I know within the industry. And the difficulty, George, is depending on the period you start, there is approximately a 58 percent and a 42 percent. It was agreed that percent should alternate between years in order that both north and south have equal opportunity.

It seems it gets to be an awkward system. The suggestion made by Dave Pierce to make that 50-50 seems an easy way to deal with it so you don't have to keep alternating between the 58-42 every other year, such that the north one year gets 58 percent of the quota; the next year it gets 42 percent, and the next year it gets 58 back and forth. By simply dividing this, I think it alleviates a lot of the difficulty.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. What happens in the event -- and I think we ought to go this way -- what happens in the event, when the Amendment I is put forth by the federal people, if they come back with a 57 -- whatever that other split was -- a 57-42?

Does that leave us hanging out there to dry where we would be -- there would be a disconnect relative to what we're trying to do and what they're doing?

In other words, I guess the question would be could we cover ourselves in this -- just for discussion purposes; if we have to amend it, I would suggest an amendment -- in the event that the federal plan is amended, their amendment says "57-42" as opposed to our 50-50, that

we in fact could revert back from the 50-50 that we want to the 57-42 so we don't have to amend the plan again?

Is that logical and does that make sense? Fifty-fifty seems to make sense for us in New York. I'd like some discussion on it or clarification, whatever would help us so we are not inconsistent with the federal plan when it finally comes to fruition.

CHAIRMAN MUNDEN: Bruce, to that point.

MR. FREEMAN: Pat, there was discussion at the Mid-Atlantic Council meeting relative to resolving this issue. There was I think a motion made to modify the existing plan to make it 50-50 in order to avoid going back and forth.

Red, you're, I know, intimately involved more because of the chairman. You may want to add to that. But I think this kind of preempts what I think the Mid-Atlantic is leading to. So I don't really see a disparity. In my opinion the Mid-Atlantic would move in this direction.

CHAIRMAN MUNDEN: Eric Smith, did you desire to make a comment? I'm sorry to have overlooked you.

MR. SMITH: No, sir. George Lapointe asked it.

CHAIRMAN MUNDEN: Gordon.

MR. COLVIN: Just to follow up on what Pat was getting at and Bruce's response, is there flexibility within the current federal program that would enable movement of the federal system to a 50-50 from the present seasonal distribution beginning in the next fishing year, or does that require that Amendment 1 be in place first?

CHAIRMAN MUNDEN: Rich Seagraves, can you respond to that?

MR. AUGUSTINE: Amendment 1, exactly two years away.

MR. COLVIN: Rich is indicating that Amendment 1 would be required to make this change. I mean, I think this is desirable, but personally I'd rather stick with not getting us out of sync.

I don't know how much of a problem it would be. We have 42 percent of the federal quota would be in Period 2 and then the federal government is going to close. Period 2 is November to April, I believe.

So the federal quota is going to close before the state quota in Period 2, if this is the way we go. I'm asking the question, what problems is that going to cause next spring? I don't know. It's probably not going to cause problems in New York but it might cause problems somewhere else.

CHAIRMAN MUNDEN: Harry.

MR. MEARS: Thank you, Mr. Chairman. To partially answer the question but not definitively, as the council moves forward with Amendment 1, one of the overall intents of the agency for all FMPs, especially those that are quota-based fisheries, is to move toward regulatory streamlining to ease both administrative burdens and also burdens upon the industry.

One of the possible potential topics for consideration, during the amendment one processes with other FMPs, is to consider other than an annual quota setting process, for example, instead of every year, every two years.

But, obviously, that's still yet to be entered to in terms of the discussion item. I would agree in terms of other comments made by board members, in any event, the important factor to maintain ease of understanding and also equity between state and federal permit holders is to take whatever approach to ensure consistency between the two plans. Thank you.

CHAIRMAN MUNDEN: Other comments from the board? Bruce.

MR. FREEMAN: I'm trying to expedite the process. I don't want to get into a long debate because at this point I don't think it's that necessary. **I'll withdraw the motion.** I understand Gordon's point.

In order to not complicate the system, the board could always modify its regulation in the future much easier than the federal plan. Let me withdraw that and we'll stick with the disparity in percents at least to keep consistent with the federal plan.

CHAIRMAN MUNDEN: Mr. Augustine has

indicated that he concurs withdrawing the motion. That brings us back to the substitute motion. Discussion on the substitute motion? Gil Pope.

MR. POPE: Thank you. One quick question on actually the original one, the 50-50, in that 50-50, would that eliminate the time periods and then just split it 50-50 pound-wise? So there wouldn't be time periods.

MS. GAMBLE: There are time periods because it's in the federal plan. We have no influence over what is in the federal plan.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Call the question, Mr. Chairman.

CHAIRMAN MUNDEN: Pat Augustine has called the question. Board members, do you need to caucus? Board members, ready to vote? This will be by show of hands on the substitute motion. All in favor, indicate so by raising your hand; all opposed, one vote in opposition; any null votes. The substitute motion passes.

Staff has reminded me that I failed to ask for any abstentions and since there are none, the motion does pass. **The motion carries. The substitute motion passes.** Mr. Augustine.

MR. AUGUSTINE: Point of information, Mr. Chairman. We will go back to the implementation schedule eventually?

CHAIRMAN MUNDEN: That is correct, we will.

MR. PATE: Point of order, Mr. Chairman.

CHAIRMAN MUNDEN: Yes.

MR. PATE: The substitute just became the main motion and we need to vote on the main motion.

CHAIRMAN MUNDEN: That's correct. The substitute motion has become the main motion and we need to vote on the main motion or on that motion. Is there need to caucus? Ready to vote on the motion? All in favor, indicate so by raising your hand; all in opposition to the motion; any null votes; abstentions.

The motion carries.

MS. GAMBLE: Okay, the next section of the FMP deals with quota specification. Currently the council's plan does an annual specification of the quota.

So the options here are: Option 1, to go along with the council's annual quota specification; Option 2 is to move the quota specification to every three years; Option 3, actually, doesn't apply any more.

So it's Option 1 or Option 2. And I believe -- and, Rich, please correct me if I'm wrong -- this is another consideration for Amendment 1. Yes, okay.

CHAIRMAN MUNDEN: Do we have a motion concerning quota specifications? Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I move we accept Option 1, the annual quota specification, for fishing year quota specs.**

CHAIRMAN MUNDEN: Is there a second to Mr. Augustine's motion? **Seconded by Bruce Freeman.** Discussion?

MR. FREEMAN: Just a comment. As Harry indicated, the service and the council are looking at multi-year quotas. I think the plan, as Rich indicated, will be amended to do such.

I seconded this just simply to get something in place until we, together with the council, see the need to make a multi-year quota. But this would at least put something in place and have it in sync with the federal plan.

CHAIRMAN MUNDEN: Mr. Colvin.

MR. COLVIN: I just wondered if it is possible to also address this issue as an option under adaptive management, so that in the event the federal amendment moves in a certain direction, we could change without having to go through an amendment process.

MS. GAMBLE: That's correct.

MR. COLVIN: Is a motion necessary to address that addition to the adaptive management list?

MR. AUGUSTINE: I would think not. I think it would just be a matter --

MS. GAMBLE: If there's opposition, then we would need a motion. If there isn't, then no.

MR. COLVIN: Well, I'll bring it up after we vote.

CHAIRMAN MUNDEN: Other discussion on the motion? Mr. Seagraves.

MR. SEAGRAVES: Just one point. The intent of the council for a multiple-year quota is that we would go through the same process of annual evaluation.

It's just that if the answer was the same, then year-end plus one after this went into effect, there would be no necessary action. If we wanted to change it, we could, but the intent is not to set it for three years and then not be able to do anything. Just so everybody is clear on that.

CHAIRMAN MUNDEN: Other comments on the motion? Board members, do we need to caucus? Sensing no desire to caucus, ready to vote? Mr. Augustine, would you read your motion for us, please.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I move that we accept Option 1, annual quota specification, for fishing year quota on an annual basis.**

CHAIRMAN MUNDEN: Thank you. Board members, are we ready to vote? Let's time to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN MUNDEN: Ready to vote? All in favor of the motion, indicate by raising your hand; all opposed; null votes, no null votes; abstentions, no abstentions. **The motion passes.** Mr. Colvin.

MR. COLVIN: Mr. Chairman, I propose adding the issue of fishing year quota specification to the list of measures subject to change via adaptive management in Section 4.4.2.

CHAIRMAN MUNDEN: Are you proposing that in the form of a motion?

MR. AUGUSTINE: Do we need it?

CHAIRMAN MUNDEN: No motion; okay, staff will do that. Ms. Shipman.

MS. SHIPMAN: Also, while you're on that, I think you might want to consider also adding regional allocation proportions because that is not in there. And if down the road there is a shift in that, I think you would have to go through a plan amendment.

MR. COLVIN: If I could, Mr. Chairman, in response to Ms. Shipman's suggestion.

CHAIRMAN MUNDEN: Sorry, I could not hear you, Mr. Colvin.

MR. COLVIN: The chairman made a suggestion of perhaps taking a step backwards and looking at the allocation question as potentially also an adaptive management issue.

That may well be appropriate as well, although I would probably -- given the motion that we just passed, I would probably focus on the seasonal allocation proportions in light particularly of the suggestion that Mr. Freeman had made and Mr. Seagraves' indication that the council is taking a hard look at that.

I would suggest we consider adding to the 4.4.2, seasonal allocations, as well, seasonal proportions of the allocation, as well.

CHAIRMAN MUNDEN: Yes, the staff received that information and will incorporate that into the adapted management measures. Megan.

MS. GAMBLE: The next section deals with the payback provision for quota overages. Option 1 says that there will not be any payback provision included in this management program.

Option 2 says that any quota overage will be deducted from the specified portion of the allocation scheme and the subsequent fishing year. So with the previous motions and options chosen by the board, this means that if there is an overage in Period 1, it will be deducted in the following year from Period 1.

Option 3 says that any quota overage would be deducted from the annual coastwide quota in the subsequent fishing year so that if there is an overage in the 2003 fishing year, it will be deducted from the

coastwide total quota for 2004.

CHAIRMAN MUNDEN: Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. Point of information, is there a payback provision in the federal plan at this point in time? Would Mr. Seagraves respond to that?

CHAIRMAN MUNDEN: No, there is not.

MR. AUGUSTINE: There is not. Okay, thank you.

MS. GAMBLE: But they are considering it for their amendment.

MR. AUGUSTINE: Thank you very much.

CHAIRMAN MUNDEN: Ms. Shipman.

MS. SHIPMAN: And just as a point of information, later this afternoon, when we get to the Policy Board meeting -- and I'm confident you all are going to help us get there -- we will be discussing compliance deficiency and the issue, potentially, of penalties associated with overruns.

So, while there may be something adopted in this plan, the Policy Board may, down the road, make a more overarching policy statement with regard to penalties, as well.

CHAIRMAN MUNDEN: Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. **I would like to make a motion that we accept Option 2, overages get deducted from the specified portion of the allocation scheme in the subsequent fishing year:** Point A, semi-annual overage deducted from the corresponding period in the subsequent fishing year; B, regional overage deducted from the responsible region in the subsequent fishing year.

May I add a "C" that would, again, be under the adaptive management? If that were to be "seasonal" overage deducted from the "seasonal" period in the subsequent fishing year. Is that the same? Would that be the same as semi-annual? Okay, I just thought any clarification. I'd like to make that in the form of a motion.

CHAIRMAN MUNDEN: Is there a second to Mr. Augustine's motion? **Second by Bruce Freeman.** Discussion on the motion?. Gil Pope.

MR. POPE: Thank you very much. The only problem I possibly have with this is even though it's on a regional basis and it's semi-annual, there are still situations where there are certain groups of fishermen in certain states that are going to possibly go over and that are going to punish another section of that region.

In other words, even though it is regional, most of the time payback overages such as in striped bass are done on a state-by-state basis, and you can understand why.

So, if it's on a region-by-region basis, there is going to be a possibility that a northern part or a southern part of that region could go way over, and then there won't be anything for the next year for people that didn't do any of the damage. Do you see what I mean? Thank you.

MR. BEAL: Thank you, Mr. Chairman, it's just the regional issue no longer really applies to Option 2 given that the board accepted Option 1A for the allocation, basically -- the Option 2A; 1A. We're back to 1A.

Well, let me back up now. Okay, we selected 1A which is the semi-annual allocation of the annual quota so the way Option 2 would work is that if you go over in the first six-month period, whatever the overage there is comes off of that same period next year.

So there's no regional component to the allocation scheme that we have in place right now. The regional part doesn't really apply right now.

CHAIRMAN MUNDEN: Thank you, Mr. Beal. Other questions, comments, on the motion? The question has been called. Board members, do you need time to caucus? Board members, are you ready to vote on the motion? Mr. Augustine, would you read your motion, please.

MR. AUGUSTINE: Option 2, I recommend we accept Option 2, deducted from the specified portion of the allocation scheme in the subsequent fishing year, semi-annual deducted from the corresponding period. I don't think we have to say the "regional," then.

MR. COLVIN: No, you don't.

CHAIRMAN MUNDEN: Board members, are we ready to vote? In order to expedite things, this will be a voice vote. All in favor, indicate by saying aye; opposition to the motion, one opposed; null votes; abstentions. **The motion passes.**

MS. GAMBLE: The next section of the FMP deals with quota rollovers. Option 1 says that there will be no rollovers until the stock rebuilds.

Option 2 says that rollovers added to the specified -- rollovers will be added to the specified portion of the allocation scheme in the subsequent fishing year. So, again, this would mean that if there is quota left over from Period 1, it would be added to Period 1 in the subsequent fishing year. Option 2A says that the rollover would be capped at 5 percent of the annual coastwide quota.

Option 3 says that any unused portion of the quota would be added to the total allowable landings in the subsequent fishing year. And Option 3A caps that rollover at 5 percent.

CHAIRMAN MUNDEN: Dr. Pierce.

DR. PIERCE: I would move adoption of Option 3, any unused portion of the annual coastwide quota may be added to the subsequent year's total allowable landings.

CHAIRMAN MUNDEN: Is there a second to Dr. Pierce's motion? **Second by Mr. Pope.** Discussion on the motion? Ms. Shipman.

MS. SHIPMAN: I'd like to speak, with all due respect, against the motion. I think it's important that any unused quota be banked as a reserve to help rebuild the spawning stock. And I, for one, would support Option 1 as opposed to Option 3.

CHAIRMAN MUNDEN: Mr. Cupka.

MR. CUPKA: If it's in order, Mr. Chairman, I'd like to offer a substitute motion for Option 1.

CHAIRMAN MUNDEN: Is there a second to the substitute motion? **The motion has been seconded by Mr. Culhane.** Discussion on the substitute motion?

Bill Adler.

MR. ALDER: We took the overages off but I think it's only fair that if there is an underage, the two fish that we're under ought to be added to the next fishing year.

I think that's only fair, I mean, and I don't know that there is going to be any underages. I think it is only fair that if we took the overages off, that if we happen to have an underage, that it gets added.

I don't think this is going to make or break the stock because if there is an underage, it's not going to be by much. I certainly think that it's only fair to add any underages back on. We're not talking big numbers here and I don't think this is going to make or break that stock. Thank you.

CHAIRMAN MUNDEN: Bruce Freeman.

MR. FREEMAN: I would have to oppose the motion. I believe that the argument made is valid that it will probably be each year we will be slightly under only because we project the catch and we tend to be conservative and be under.

However, I believe there needs to be a cap to it and I think the 5 percent cap is very reasonable. For that reason, I would essentially oppose this motion.

CHAIRMAN MUNDEN: Other discussion on the motion? David Borden.

MR. BORDEN: Thank you, Mr. Chairman. I agree with Bruce Freeman. I'm also going to oppose the motion. I mean, the board -- not this board, but certainly the Scup, Summer Flounder and Sea Bass Board has had very lengthy discussions about the desirability and advantages of having some limited rollover because what it does is simply puts us in a position where we don't have to micromanage those allocations.

We can get down to 10 or 15 percent and then you close the fishery, and you don't get these requests from the industry to open up for small amounts of fish. I'm opposed to this motion.

CHAIRMAN MUNDEN: Other discussion on the substitute motion? Sonja Fordham.

MS. FORDHAM: Sonja Fordham, the Ocean

Conservancy. I think I'm lost on your substitutes. I just wanted to agree with the remarks by Ms. Shipman and say this stock is in a serious state. It needs nearly two decades to recover and any unlikely underages should not be rolled over.

I would just add that is the position of the dogfish technical team. They supported Option 1 that would prevent quota rollover until the stock is rebuilt. We would support Option 1. Thank you.

CHAIRMAN MUNDEN: Other discussion on the substitute motion? Bill Cole.

MR. BILL COLE: Mr. Chairman, let me ask the maker of the substitute motion, is it his intent, in supporting Option 1, that the language that's in the middle of the narrative there that says that when the stock is rebuilt to the target, the technical committee recommends limiting the rollover to 5 percent of the coast-wide quota, is that inclusive in your Option 1?

To clarify, David, what I'm asking is, is it your intent in saying that to not -- your motion, in my mind, does not prohibit rollovers but when the, only when the stock has recovered.

MR. CUPKA: That is correct. I didn't intend to limit rollovers beyond that but just until the stock is rebuilt.

CHAIRMAN MUNDEN: Other discussion on the substitute motion? Board members, would you like to caucus. Mr. Pate.

MR. PATE: Mr. Chairman, can we see the substitute motion on the screen, please.

CHAIRMAN MUNDEN: The substitute motion is now displayed on the screen. Any discussion, additional discussion on the substitute motion? Board members, do you need time to caucus?

Seeing no indication that there is a desire to caucus, this will be a voice vote. All in favor of the substitute motion, indicate by saying aye; those opposed.

Since it's not clear to me as to whether or not this motion carried, I will then ask for a show of hands. All members who are in favor, all board members who are in favor of the substitute motion, indicate by raising your hand; all opposed; null votes; abstentions. **The**

motion carries.

The substitute motion now becomes the main motion. I'll ask the maker of the motion to read that motion. Mr. Cupka, I believe that's your motion.

MR. CUPKA: **My motion is to approve Option 1, no rollover of unused quota until the stock has rebuilt to the target SSB.**

CHAIRMAN MUNDEN: Thank you. Board members, do we need to caucus on this motion? This will be a voice vote. All in favor or the motion, indicate by saying aye; those opposed; null votes; abstentions. **The motion carries.**

MS. GAMBLE: The next section of the FMP deals with trip or possession limits. Option 1 says that there will be no interstate possession limit. Option 2 sets a 7,000 pound trip limit for the entire year.

Option 3 has a split trip limit. Period 1 would have a 600 pound trip limit; Period 2 would have a 300 pound trip limit. Option 4 provides the board with the opportunity to propose an alternative possession limit.

CHAIRMAN MUNDEN: Mr. Colvin.

MR. COLVIN: Mr. Chairman, **I propose -- and I'm prepared to move if the staff tells me we can do this procedurally -- that we adopt an approach that would be subject or flow from Option 4, and that is that there be no pre-specified trip or possession limits in the FMP itself, but rather that the setting of trip or possession limits be deferred to the annual specification process.**

CHAIRMAN MUNDEN: Is that in the form of a motion, Mr. Colvin.

MR. COLVIN: I so move.

CHAIRMAN MUNDEN: Is there a second? **Second by Mr. Freeman.** Discussion on the motion? Dr. Pierce.

DR. PIERCE: I would disagree with that motion. I think it's time right now for the board to say whether or not a directed fishery is sensible, then we should go in that direction, or whether there is a desire for the complete support of the federal plan, which would be Option 3, the 600 and 300 pound limit.

I don't want to postpone any discussions regarding -- we've postponed nothing else. I think it's appropriate for us to vote on one of these options, not alternative 4, not postponing action until some quota-setting process so that we leave the industry in complete limbo from one year to the next.

There has to be some ability for industry to plan and for them to know right now whether or not their fate is sealed, that is, no fishery in the future in state waters. So I would oppose this.

CHAIRMAN MUNDEN: Other comments? Pat Augustine.

MR. AUGUSTINE: David, did you make a substitute motion or not?

MR. COLVIN: He may but he didn't.

MR. AUGUSTINE: You may but you did not?

DR. PIERCE: I'll make a substitute motion that Option 2 be adopted, the 7,000 pound possession limit for the entire fishing year.

MR. AUGUSTINE: Well, it's better he does it now than wait 20 minutes.

DR. PIERCE: I appreciate your suggestion, you're right on target.

MR. AUGUSTINE: Thank you, David.

CHAIRMAN MUNDEN: Dr. Pierce, are you making a substitute motion, offering a substitute motion for a 7,000 pound trip limit; is that correct?

DR. PIERCE: That is correct.

CHAIRMAN MUNDEN: Do we have a second to Dr. Pierce's substitute motion? **Dr. Pierce's substitute motion is seconded by Gil Pope.** Discussion on the substitute motion which would establish a 7,000 pound trip limit? Sonja Fordham from the public.

MS. FORDHAM: Sonja Fordham, the Ocean Conservancy. I know it's getting late but we see this as a really crucial an issue we feel strongly about.

The possession limits need to be in line with the federal limits in order for any of this to work and in order to discourage directed fishing on depleted mature females. We would urge you to oppose the substitute motion and favor Option 3 that sets possession limits in line with the federal plan at 300 and 600 pounds. Thank you.

CHAIRMAN MUNDEN: Other discussion on the substitute motion? Bill Adler.

MR. ADLER: Thank you, Mr. Chairman. This is the only chance that the fishermen have to have some type of a fishery here, as short as it would be. I think that we have to go back and think about this idea again about allowing the fishermen to have some type of a season.

You've already heard that the 600s, the 300s, that's no fishing season and an increase in bycatch and a destruction of the socio-economic sections, which were in the beginning of your plan. I think that allowing this particular allowance is justified and I think the board ought to pass it.

CHAIRMAN MUNDEN: Gordon Colvin.

MR. COLVIN: Mr. Chairman, I just want to -- now that I see the initial motion has been put up -- point out that I think a little minor wordsmithing needs to be done because as written it tends to look as though I'm suggesting that we defer this question until the upcoming annual quota specification meeting for next fall, and that's not what I'm getting at.

What I'm getting at is that the setting of trip limits would be done annually as part of the annual quota specification setting. I would just point out while that change is being made that approach is consistent with how we handle trip limits in many of our other quota-managed fisheries.

It enables the commission to exercise flexibility as conditions in the fisheries change. It is not inconsistent with either Option 2 or Option 3 and will give us the flexibility we need to handle this kind of question in response to the decisions we choose to make overtime. We won't be boxed in, in other words.

CHAIRMAN MUNDEN: Mr. Adler.

MR. ADLER: Thank you. In all due respect

to Gordon, on some of these other fishery quotas that we have, we basically have a fishery; it's a matter of whether you take ten fish or nine. In this particular case, it's a matter of do they have a fishery at all or not.

That's the point here, because the other alternative, 7,000 or a number near there versus some of these other numbers that have been mentioned, is no fishery; whereas, in some of these other fishery that we set quotas in, there is a fishery.

It's just a matter of adjusting some of the numbers up or down a little bit. But this is a yes-or-no fishery. I think that these fishermen need to know up front whether they're going to have a fishery or whether they should sell their boats.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. In response to that, it just appears to me that we're now talking about specifically developing a small directed fishery. And all the things we've talked about for the last two and a half or three hours is we're talking about a bycatch.

We're talking about trying to recover a fish that is going to take ten or twenty years to get back to any reasonable size. So to think of going from a 300/600 pound and, yes, it's going to be economically difficult, maybe socially unacceptable, but the reality of it all, the fishery, from what we've had presented to us, cannot stand that pressure. Therefore, we really can't support that option. I would like to call the question, Mr. Chairman.

CHAIRMAN MUNDEN: The question has been called. Board members, do we need to caucus? Board members, are you ready to vote on the substitute motion? Voice vote. All in favor of the substitute motion, indicate by saying aye; all opposed. **The substitute motion fails.** Now we will vote on the main motion. Were there any null votes on that last substitute motion? Any abstentions? Thank you. The motion failed.

Now we're ready to vote on the main motion. Board members, do we need to caucus on the main motion? Mr. Colvin, would you read the main motion for the record.

MR. COLVIN: Gladly. Move to adopt an

approach consistent with Option 4 such that the setting of trip limits be set annually through the annual quota specification process.

CHAIRMAN MUNDEN: Thank you. Board members, do we need to caucus on this motion? Seeing no desire by any of the board members to caucus, we will call for a voice vote. All in favor of the motion, indicate by saying aye; those in opposition to the motion, one; any null votes; any abstentions. **The motion carries.**

MS. GAMBLE: The next section of the FMP deals with the biomedical supply and scientific research collection of spiny dogfish. The first option sets aside a percentage of the coastwide annual quota.

Option 2 sets a separate, additional quota on top of the coastwide annual quota for spiny dogfish. Option 3 states that no quota would be designated specifically for biomedical supply and scientific research.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman, I move that we accept Option 3, no quota designated specifically for biomedical supply and scientific research.

MR. FREEMAN: Second.

CHAIRMAN MUNDEN: Second to Mr. Augustine's motion. Who seconded that, please? Bruce Freeman. Discussion? George Lapointe.

MR. LAPOINTE: Have patience down there. Obviously, this is an issue of interest to the state of Maine. Given what we've done today, I won't oppose this motion if we can put the biomedical research quota as one of the adaptive management items under the plan.

Because, if there is a restrictive trip limit, the kind of fishery that supplies the Maine biomedical research fishery -- and I don't know about North Carolina -- will be supplied.

But should that change drastically, a large commercial fishery could restrict that access. And so rather than fight that out, if we could do that, propose an alternative approach in the future that would meet our needs.

CHAIRMAN MUNDEN: Are there any objections to including this under the adaptive measures, adaptive management measures? Other comments? Harry Mears.

MR. MEARS: Thank you, Mr. Chairman. Through the recent months, there has been considerable attention to incorporating research set asides, particularly for species managed in the Mid-Atlantic region. I would support Mr. Lapointe's suggestion that we allow that as an adaptive management mechanism in the event this group, in joint collaboration with the councils, decide that, in fact, at some point a research set aside would be appropriate.

CHAIRMAN MUNDEN: Other comments? Bruce.

MR. FREEMAN: I believe, Red, that the biomedical can obtain their supply through the existing quota. Although I don't object to the request that Maine has made quite, frankly, I don't think this is going to be a problem.

CHAIRMAN MUNDEN: Dave Borden and then Gil Pope.

MR. BORDEN: Thank you, Mr. Chairman. I support George's concept but just would add that the issue of a side aside, in my own view, whether it's for biomedical research or it's for conservation engineering, is highly desirable.

The biggest problem we have in this fishery right now is the discard rate. I'm just being blunt here. We don't have anything in any of these plans to reduce discards of any significance, and we have to get on with that.

One mechanism for doing that is to have a set aside so we can start targeting projects to eliminate the discards. I strongly urge us to do what George advocated.

CHAIRMAN MUNDEN: Gil.

MR. POPE: And that's to my point, as well. I'd like to link the two somehow, if we could, at a later date and figure out a way to have the biomedical and the bycatch linked somehow.

CHAIRMAN MUNDEN: If I may make one editorial comment, after looking over all of the public comments concerning this particular issue, I think a lot of the commercial fishermen did not understand that the

individuals who need these fish for the biomedical and research industry are buying the fish from commercial fishermen.

The fishermen felt like, well, you're going to let these scientists go out and collect part of our quota. The other thing that I learned in the hearing in North Carolina is that the fishermen don't really receive a greater price for these fish than the average going price through the commercial fishermen who are selling them for the food market.

It's truly a bycatch fishery because the processors can only handle small quantities at the time because they need a very fresh product. So we had a misunderstanding on the part of a lot of commercial fishermen as to who was really going to be getting this share of the quota. Other comments from board members? Mr. Augustine, would you read your motion for us, please.

MR. AUGUSTINE: **I move that we accept Option 3, no quota designated specifically for biomedical supply and scientific research.** And, just a point of information, do we add in there about adaptive management or is that just a given?

MS. GAMBLE: It can be a given.

MR. AUGUSTINE: Okay, thank you.

CHAIRMAN MUNDEN: Thank you. Board members, do you need to caucus on this issue? No need to caucus. It will be a voice vote. All in favor of the motion, indicate by saying aye; those opposed; any null votes; any abstentions. **The motion carries.**

MS. GAMBLE: The next section doesn't require any sort of vote but I wanted to remind the board that the management plan does prohibit finning of spiny dogfish in all state waters. That also states that fins may be removed at sea but the corresponding carcass must be retained. All fins and carcasses must be landed at the same time and in the same location. Landed fins must be in proportion to the carcasses with the maximum 5 percent fin-to-ratio-carcass ratio by weight.

The next section I just wanted to remind the board of is monitoring commercial catch and effort. The dealers with permits issued pursuant to state regulations must submit weekly reports to a state or to National Marine

Fisheries Service.

And within those reports, it must include quantity and pounds purchased, name and permit number of the individual who sold the spiny dogfish. And those states are required to report state landings weekly. This is in order to monitor the quota in order to anticipate when it has been harvested.

The last issue for the board to consider is the implementation and compliance schedule. There's two options to start with. The first dates are January 1, 2003, or April 1, 2003. That would be a deadline for the states to submit programs for implementing the interstate FMP for spiny dogfish.

The second deadline deals with implementing those state programs or approving those state programs, and the options there are June 1, 2003, or September 1, 2003. And the idea is if you choose January 1st, then you are choosing June 1st for the second. If you choose April 1st, then you are choosing September 1st.

And, again, I wanted to remind the board that the emergency action does expire on January 31, 2003. If it is appropriate, staff would like to make a recommendation that it be included in the management plan, a statement something to the effect of "while implementing the provisions of the interstate fishery management plan for spiny dogfish, and upon notification of the closure of federal waters due to the spiny dogfish fishery attaining the total allowable landings, state waters will close to the commercial harvest, landing and possession of spiny dogfish."

So that means the regulations that are currently in place will be continued through this period of implementation, and that will be effective upon approval of this plan, hopefully, during the annual meeting.

CHAIRMAN MUNDEN: Pat Augustine.

MR. AUGUSTINE: You need a second on that as a motion?

MS. GAMBLE: I don't think staff can make a motion.

MR. AUGUSTINE: Well, let's do it then. Let's do it. I make a motion we have lunch, then.

MS. GAMBLE: Well, I guess now I'm just

looking from the board to choose, you know, ultimately when do you want the board to approve the state management plans, June 1st or September 1st?

CHAIRMAN MUNDEN: What's the pleasure of the board? Pat Augustine.

MR. AUGUSTINE: I mean, if nobody wants to make a motion, I'll go for April 1st, implement and compliance schedule -- motion to accept April 1, 2003, as the deadline to submit state programs for implementing the interstate FMP for spiny dogfish, and then the second reporting would automatically be, what, September 1st.

CHAIRMAN MUNDEN: Is there a second to Mr. Augustine's motion?

MS. SHIPMAN: It's not a second. Sorry, Pat. I think this is something we can decide at the annual meeting. I think we need to look at the schedule for submission of all of our other plans and the reports and all of that and see how it all dovetails together. I think everybody needs to go back and look at that.

CHAIRMAN MUNDEN: Bruce.

MR. FREEMAN: To add to that, Red, at the annual meeting we will have the plan before us and we will know what each state needs to do and then the time that it will be required to do that. I think it's premature to take that vote at this time. I agree with Susan, is to make that decision in November.

CHAIRMAN MUNDEN: Mr. Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman, just a point of information. So what I guess we're saying is that if this plan is approved in October-November, you've got until January to produce a state program for implementing the FMP. Is that reasonable and logical?

It seems to me that -- and I'm not a state person. I'm just kind of a governor's appointee who is trying to make things happen here. It would just seem to me the more logical approach would be to take the longer time frame and lock into it as opposed to the other, but you state folks have to make that decision.

CHAIRMAN MUNDEN: Does anyone wish to second Mr. Augustine's motion. We have an

unseconded motion up there as it now stands. **Mr. Augustine's motion dies for lack of a second.** Pres Pate.

MR. PATE: I make a motion we table this until the annual meeting.

MR. JOHN MIGLARESE: Second.

CHAIRMAN MUNDEN: Okay, motion to table this issue to the annual meeting.

CHAIRMAN MUNDEN: Board members, are you ready to vote? Bruce.

MR. FREEMAN: Procedurally, no one seconded Pat's motion so we've just made a motion to table an unmade motion. Someone seconded Pat's?

MR. PATE: The motion was to table discussion of this issue.

MR. FREEMAN: Oh, okay, I'm sorry.

CHAIRMAN MUNDEN: Board members ready to vote on the motion? Need to caucus? This will be a voice vote. All board members in favor of the motion, indicate by saying aye; those opposed; any null votes; any abstentions. **The motion carries.** Harry.

MR. MEARS: I abstained.

CHAIRMAN MUNDEN: Harry abstained, the first time today. The motion carries.

MS. GAMBLE: Mr. Chairman, that concludes my presentation of the options included in the draft fishery management plan for spiny dogfish.

CHAIRMAN MUNDEN: Thank you for a wonderful job, Megan. I know it has been a yeoman's effort, and we greatly appreciate you getting all this information together for us in a form that we could all follow and understand. I have Mr. O'Shea and then Mr. Augustine. Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. We heard a lot of comment today that I sort of interpreted to mean that it seems there's a high probability that folks think that there may be seven or eight million pounds of these dogfish that may get taken as bycatch in other fisheries.

I'm just wondering if, under the plan that we've outlined and approved today of sort of a "what if" scenario, if through observer data, anecdotal data or any other information we find out that there is that type of mortality occurring, what does that do in this plan? Do we have mechanisms in the plan to respond to that, or is that going to then be a whole new issue for us?

MS. GAMBLE: I'm sorry, Vince, I don't know that I fully understand your question. I think it was once we know the magnitude of the discards, how do we then deal with it? It is not included in there right now. There is a discussion of documenting discards if there is an observer program in place. But that's voluntary and it's not required. So, no.

CHAIRMAN MUNDEN: I have Pat Augustine and then Bruce. Bruce, Pat does not wish to speak.

MR. FREEMAN: Vince, I think that issue can be addressed under 4.1.6, the trip and possession limit, and that's the issue we've been struggling with. There is an allowance for a bycatch, but the catch rate is so small that it's not really economical to do.

If that catch rate were increased or the trip -- not the catch rate but the trips were increased, there could be. I think that's the issue that we need to talk about annually to set that.

CHAIRMAN MUNDEN: Ms. Shipman.

MS. SHIPMAN: I have not been sitting in on the Mid-Atlantic and New England discussion, and, Mr. Munden, you and Rich Seagraves would best know this, but I would submit the federal plan is going to have to deal with the bycatch issues and the discard issues in order to pass muster with the Secretary.

I think we have a number of adaptive management measures in here that we can come back and respond to that. I don't think that federal plan is going to be approvable or the amendment is going to be approvable without addressing it.

CHAIRMAN MUNDEN: Vince.

EXECUTIVE DIRECTOR O'SHEA: Thank you, Mr. Chairman. I guess more directly, it seems to me that if we have a directed fishery on another species that is contributing significantly to mortality to this

species, that one of the obvious options is to restrict that directed fishery that is generating that mortality.

I guess my question is do we have that mechanism under this plan right now or is there any other way that we can get to that?

MS. GAMBLE: I guess the only response I have is that if you look at the list of items included on the adaptive management, under adaptive management, that bycatch controls can be implemented through the adaptive management.

CHAIRMAN MUNDEN: And, Vince, also, last year the Monitoring Committee highlighted that as a concern, bycatch in other directed fisheries, so it's on the radar screen but on the back burner for right now. I know it has been discussed at the Monitoring Committee level. Yes, in the back, please identify yourself.

MR. COLIN L. McIFF: My name is Colin McIff. I'm actually with the U.S. Department of State, Office of Marine Conservation. I don't want to delay everyone's lunch, but I just wanted to briefly introduce myself.

One of my responsibilities there, at state, is to work on shark issues internationally. It is sort of in that capacity that I've come to listen and learn from your efforts this morning.

I just wanted to thank you for the hard work that you've done this morning. Particularly as the state management efforts and federal management efforts run together, that significantly helps us in our efforts internationally to get to work towards leveling the playing field for U.S. fishermen with respect to their international competitors on these issues. I just wanted to thank you all for your work and introduce myself. Thanks very much.

CHAIRMAN MUNDEN: Thank you very much for those comments. Other comments? Gil.

MR. POPE: Yes, thanks. Before we leave this document, very quickly, two items that I need to find out how we disposed of them, was the reference points and whether they matter any more, and the other item was the transfer of quotas.

MS. GAMBLE: Transfer of quotas died because it was attached to the regional quota allocation.

The reference points, well, the target SSBmax was chosen. It was 100 percent SSBmax, and right now that's 167,000 metric tons.

And the threshold wasn't an option for the board to vote on, but the minimum biomass threshold is one-half the SSBmax, and currently our surveys indicate that is 83,500 metric tons.

CHAIRMAN MUNDEN: Other questions or comments? I'd like to thank all the board members for all of your input. Again, I'd like to thank the staff. Megan did a wonderful job. (Applause) Megan has one more announcement.

SCIENTIFIC RESEARCH/PUBLIC DISPLAY PERMITS FOR SHARKS

MS. GAMBLE: There was one more agenda item, but that's an update on the scientific research/public display permits for sharks. In interest of getting to lunch, what I will do is send a memo out to the board with this.

OTHER BUSINESS/ADJOURN

CHAIRMAN MUNDEN: Very good. Other comments? With that, the Spiny Dogfish and Coastal Shark Board is now adjourned.

(Whereupon, the meeting was adjourned at 1:10 o'clock p.m., August 29, 2002.)
