

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

**The King & Prince Beach and Golf Resort  
St. Simons Island, Georgia  
October 31, 2013**

Approved February 6, 2014

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2. **Approval of proceedings of August 2013 by consent** (Page 1).
3. **Move to reconsider the adoption of the spiny dogfish quota for 2014 an ACL/AM of 60.695 million pounds resulting in a commercial quota of 49.037 million pounds, and to adopt for spiny dogfish in 2015 an ACL/AM of 62.270 million pounds resulting in a commercial quota of 50.612 million pounds** (Page 4). Motion made by Pat Augustine; second by Rick Bellavance. Motion carried (Page 5).
4. **Move that the board accept the 2013 Spiny Dogfish FMP Review and state compliance and approve *de minimis* status for Delaware, South Carolina, Florida and Georgia** (Page 7). Motion made by Pat Augustine; second by Malcolm Rhodes. Motion carried (Page 8).
5. **Move to approve the 2014 coastal shark specifications conditional on NOAA Fisheries Final Rule** (Page 9). Motion made by Pat Augustine; second by Peter Himchak. Motion carried (Page 12).
6. **Move to approve Issue 1, Option B: Measures Consistent with HMS Amendment 5a; and approve Issue 2, Option B: Measures Consistent with HMS Amendment 5a. Smooth hammerhead, scalloped hammerhead and great hammerhead sharks will have a 78-inch fork length recreational size limit. All other recreational measures will remain the same** (Page 16). Motion made by Pat Augustine; second by Peter Himchak. Motion carried (Page 16).
7. **Move to approve Addendum III to the Coastal Sharks FMP as selected today** (Page 16). Motion made by Pat Augustine; second by Peter Himchak. Motion carried (Page 16).
8. **Motion to adjourn by consent** (Page 20).

**ATTENDANCE**

**Board Members**

Terry Stockwell, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Doug Grout, NH (AA)	David Saveikis, DE (AA)
Ritchie White, NH (GA)	John Clark, DE, Administrative proxy
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Jocelyn Cary, MA, proxy for Rep. Peake (LA)	Tom O’Connell, MD (AA)
Dan McKiernan, MA, proxy for P. Diodati (AA)	Bill Goldsborough, MD (GA)
Bill Adler, MA (GA)	Russell Dize, MD, proxy for Sen. Colburn (LA)
Robert Ballou, RI (AA)	Rob O’Reilly, VA, proxy for J.Travelstead (AA)
Rick Bellavance, RI,proxy for Sen.Sosnowski (LA)	Robert Boyles, Jr., SC (AA)
David Simpson, CT (AA)	Malcolm Rhodes, SC (GA)
Rep. Craig Miner, CT (LA)	Patrick Geer, GA, proxy for Rep Burns (LA)
James Gilmore, NY (AA)	Spud Woodward, GA (AA)
Pat Augustine, NY (GA)	Jim Estes, FL, proxy for J. McCawley (AA)
Sen. Phil Boyle, NY (LA)	Michael Pentony, NMFS
Peter Himchak, NJ, proxy for D. Chanda (AA)	Wilson Laney, USFWS
Adam Nowalsky, NJ, proxy for Asm. Albano (LA)	

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

**Ex-Officio Members**

**Staff**

Robert Beal	Marin Hawk
Toni Kerns	Mike Waine

**Guests**

Stew Michels, DE DFW	Nichola Meserve, MA DMF
Peter Burns, NMFS	Jay Luger, MSC
Raymond Kane, CHOIR	

The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Lanier Ballroom of The King and Prince Beach & Golf Resort, St. Simons Island, Georgia, October 31, 2013, and was called to order at 8:00 o'clock a.m. by Chairman Adam Nowalsky.

### **CALL TO ORDER**

CHAIRMAN ADAM NOWALSKY: Good morning, everyone. I would like to go ahead and call the Spiny Dogfish and Coastal Shark Management Board Meeting to order. I'm Adam Nowalsky; I'm the vice-chair of the board sitting in for Mark Gibson, who is not with us here this week.

### **APPROVAL OF AGENDA**

CHAIRMAN NOWALSKY: We will entertain a motion to approve the agenda; and I'll ask if anyone has any other items to the agenda under other business? Seeing none; do I have a motion to approve the agenda as it appears? Bill Adler; second by Bob Ballou. Is there any opposition to that? Seeing none; the agenda is approved as written.

### **APPROVAL OF PROCEEDINGS**

CHAIRMAN NOWALSKY: Our second item of business here this morning will be to approve the proceedings from the August 8<sup>th</sup> board meeting. Do I have a motion for that? Motion made again by Mr. Adler; a second by Mr. Himchak. Is there any opposition to the approval of the proceedings? Seeing none; those proceedings are hereby approved.

### **PUBLIC COMMENT**

CHAIRMAN NOWALSKY: Our next order of business will be to turn to the public for comment on any items that are not on the agenda. We don't have anyone signed up. Do I have any hands from the audience this

morning? Seeing none, we'll continue moving along.

### **SET 2014/2015 SPINY DOGFISH SPECIFICATIONS**

CHAIRMAN NOWALSKY: Our next order of business this morning will be to go back and reconsider the 2014/2015 spiny dogfish specifications after a change made by the Mid-Atlantic Council. For that we're going to turn to Katie Drew for a presentation on that.

DR. KATIE DREW: Paul Rago could not come down, as I'm sure you all understand why, for this meeting, so I will be giving the update on the spawning stock biomass status and reference points. I'm just going to go over sort of the existing management measures, the stock conditions, the ABC update and recommendations and council action.

The existing management, just to remind everybody, 2014 is Year Two of a three-year specification-setting process. The ACL is 55,277,000 pounds with a commercial quota of 41,784,000 pounds and a trip limit of 4,000 pounds. So 2015 is going to Year Three of three with an ACL of 55,063,000 pounds and a commercial quota of 41,578,000 pounds, and it's still the same trip limit of 4,000 pounds. Stock status from a recent update is overfishing is not occurring and the stock is not overfished. F in 2012 was approximately 0.149, which is definitely below the Fmsy of 0.24.

The biomass in 2013 was approximately 200,000 metric tons above the biomass target or Bmsy of 159,999 metric tons. This is just a graph to show you sort of recent trends in spawning stock biomass. You can see that dip that we all know about and then the recovery of the stock in recent years.

This is sort of the estimate with uncertainty around it; so from the stochastic model, you can see that the probability of being below

that threshold and the target are very low. Fishing mortality on the females is relatively low in recent years; maybe a slight uptick at the end, but definitely down from the peak during the decline. The probability of being above your F reference points is low.

This is the recruitment index. As you can see in recent years we've had some fairly strong year classes; however, it is coming after a period of low recruitment which is expected to work its way through the spawning stock population in the future, in the next several years. These are the projections, which you can't read, but the point is we're taking the median of these, which is what is circled.

Basically the technical committee, the monitoring committee and the SSC recommended increased quota in line with the increased ACL and AM. Council action was taken where they moved to adopt a higher commercial quota, a higher ACL for 2014 and 2015, and that motion is pending approval by NOAA Fisheries.

CHAIRMAN NOWALSKY: All right, given that, are there any questions on the presentation?

MR. ROB O'REILLY: Katie, I guess that situation with the poor recruitment, when I looked at the assessment document, it seemed like it's not going to work its way through it all. I think we have been waiting for a downturn and to have quotas downturn as well. The explanation that I saw was that the exploitation rates for those year classes, those poor year classes was low enough and I guess the longevity is long enough that it smoothed over any type of expected transition in the subsequent year classes following the poor string from I guess 1998 to 2003 really has made this a stock that is pretty vibrant still. Is that consistent with what you know?

DR. DREW: Yes; so when I say it is going to work its way through, what I mean is the projections indicate the biomass will dip a

little bit, but it is definitely not – it is going to go maybe below its target, but it is definitely not going to crash the stock or anything to that extent. We may expect a small dip, but it should recover with the strong year classes in recent years.

DR. WILSON LANEY: Rob, I was concerned about that, too, and I talked to Jim Armstrong about it. I guess I would still ask Katie as far as the age structure of the female SSB goes; are we seeing rebuilding in those older, more mature females? Obviously, it takes 20 years to grow a 20-year-old dogfish.

I had talked to Jim about the dip and whether or not by continuing to increase the quota we ran the risk of then having to decrease it in the future. What he had indicated to me was that there is a possible scenario that if the market was to explicitly reject exploitable size male dogfish and discards of males of went up, then overall landings might go down because then it would follow the female-only trajectory. How likely that is, I don't know, but that was the only scenario he could think in which we might have to once again take a look at reducing the quota in order to rebuild that older age female biomass. Would you comment on that?

DR. DREW: The length structure of the females does remain – I don't want to say truncated exactly, but the mean length of females is lower in current years than definitely it has been in the past. I don't think it is necessarily a cause for concern or at least it doesn't seem to be for the assessment. I think your point about targeting and the more pressure you put strictly on the females, obviously the more of a concern we would have for the rebuilding of the stock or the maintenance of the stock in its rebuilt condition.

DR. LANEY: If you look at the recruitment, the recruitment has bounced back very well; so even though we may not be getting as many pups per female as we

used to, I guess there are enough of them out there to have caused that to rebound very nicely; so maybe not a concern.

DR. DREW: I believe mean pup size per female has remained stable if not increased a tiny amount.

MR. PATRICK AUGUSTINE: Did the SSC have any problems with this number? This number was in the range of what they thought the council approved; wasn't it? Do we know that?

DR. DREW: Yes, this is –

MR. AUGUSTINE: The real question is was at the maximum over the range or at the medium? I think it was at the medium, wasn't it, Mr. Chairman?

CHAIRMAN NOWALSKY: I'll turn to staff who is giving me a yes.

MR. AUGUSTINE: Excellent. When you're ready, I'd like to make a motion.

CHAIRMAN NOWALSKY: Okay, we'll entertain a few more questions to the presentation before we get to that. Dan.

MR. DAN McKIERNAN: Katie, isn't one of the reasons for this smoothing out or lack of a dip the sort of expected lack of discards? I believe a lot of the mortality in dogfish was not related to directed fishing but bycatch and discards and trips that were either not targeting dogfish or not allowed to take any significant amounts of dogfish. I think a lot of those trips have gone away because of the situation with groundfish in New England.

DR. DREW: I think that's part of it, yes, and basically any kind of amelioration of the fishing pressure is going to help the stock; and so in that respect I think reducing those discards has helped.

MR. PETER HIMCHAK: Yes, the Mid-Atlantic Council, when we were debating

the higher allowable biological quotas, I guess they used the words we're being a too polite with the species. We went with the higher quotas after discussion of market or if we're even going to even reach the quota. I think what I came down to as far as my concern was that – I mean we're trying to promote new markets and for that matter it did not make sense to constrain an allowable biological catch, which would be the higher quotas that the Mid-Atlantic Council adopted for 2014 and 2015.

CHAIRMAN NOWALSKY: Are there any other questions on the presentation? Bill Adler.

MR. WILLIAM A. ADLER: This is more of just a comment on the dogfish thing. I don't know if there is anything that the Atlantic States can do about trying to help regain the market that was lost. This is one of the reasons that the price was so low and nobody went fishing because there just wasn't the market. The dealers didn't want it.

They go, okay, we have a higher quota, whoopee ding, and they're happy about that. For once a quota goes up, but there is no market. I didn't know if the federal government or this agency can do anything about helping the market. Like in Europe, they don't want them anymore, which is the major place it went. I don't know what can be done to help that. If you raise the quota, that's great; but with the low price and the market not there, they're just not going fishing.

MS. TONI KERNS: Adam, we have been trying to provide some information with congressional staff on spiny dogfish to help them write some letters. For those board members that do not know, I think we think a lot of the market loss is due to the European countries not allowing shipments of dogfish due to high levels of PCBs. They have a higher standard than the U.S. does. We have been trying to work with the congressional staff to get them the

information that they need that we can provide for that.

CHAIRMAN NOWALSKY: All right, so where we are then, seeing no other questions, what is before us is to go ahead and reconsider our previous decision, assuming we get a motion to that effect, which sounds like, Pat, you're prepared to make. I believe this is the motion that you were ready to make that Mike can put up here for us right now. If you would just double-check that, Pat, you can read it here to make sure that was in fact the correct motion you had.

MR. AUGUSTINE: Yes, Mr. Chairman, I believe that is exactly the wording. **Move to reconsider the adoption of the spiny dogfish quota for 2014 an ACL/AM of 60.695 million pounds resulting in a commercial quota of 49.037 million pounds, and to adopt for spiny dogfish in 2015 an ACL/AM of 62.270 million pounds resulting in a commercial quota of 50.612 million pounds.**

CHAIRMAN NOWALSKY: **And just to clarify that; that was 60.695 million pounds and 49.037 million pounds.**

MR. AUGUSTINE: 60.695 million pounds; correct, thank you.

CHAIRMAN NOWALSKY: Mr. Bellavance seconds that motion. Are there comments on the motion? Just a reminder for the board that we will need a two-thirds vote for this. Pete.

MR. HIMCHAK: Yes; the discussion on the PCB issue was new to spiny dogfish at the Mid-Atlantic Council. As it was explained, the European Union set a standard that says near to zero as possible. It would be somewhat unrealistic in context with any PCB standard that we set for any fish in the United States. Those issues were trying to be resolved. November 1<sup>st</sup> traditionally kicks in a big harvesting season at least in New Jersey. Again, that is just

background information on the PCB issue; but, yes, we need new markets. Whether it comes in the National Park System, state institutions, the push is on to market these things and get them out of the water.

MR. JOHN CLARK: Just following on what Pete said, I had heard the same thing about the European Union blocking imports. I looked online and is it blanket policy there, because it looks like they've rejected specific shipments from what I can see. They've actually tested for the PCB levels; and all I could find was a couple of shipments rejected from Germany and Italy. I was just curious whether you knew whether it applied to all EU countries or not.

CHAIRMAN NOWALSKY: I'll go back to Pete for a response to that.

MR. HIMCHAK: It was understanding that any PCBs detected are in the belly flaps; and the belly flaps typically go to the German biergartens; whereas, the meat goes to the Great Britain fish and chips market. Italy; I don't know.

MS. MARIN HAWK: Since all the European countries are part of the EU; if they're rejected from one country, they would be rejected from all the countries,

MR. CLARK: I was just curious about the process because what was listed is individual shipments being rejected, which would imply that other ones are being accepted. The shipments that they said were rejected recently were not huge amounts.

MS. HAWK: I'm not sure what their process is.

CHAIRMAN NOWALSKY: Okay, do we have any other comments on the motion before us? Okay, seeing none, does the board need a moment a caucus? All right, seeing that the board is ready for the vote; again we need a two-thirds vote and we do need to record this as a final action. I'll begin by asking if there is any opposition or



abstentions to this action from the board?  
Mr. Himchak.

MR. HIMCHAK: Adam, I'm sorry I'm violating protocol here, but you're chair and you said I could take liberties. (Laughter)

CHAIRMAN NOWALSKY: For the record I don't recall saying that.

MR. HIMCHAK: Every year we go through three approval phases of this. We go through the Mid-Atlantic, the ASMFC and the New England Council. The New England Council doesn't vote on this until I'm not sure when, but what is the sentiment from anybody from New England on – or is there any premature discussion on what they want to do with spiny dogfish?

MR. TERRY STOCKWELL: Pete, this isn't even our agenda. We have a one-day meeting scheduled at the end of November, which is crammed full, and a three-day meeting scheduled in December. I will work with the executive director to get this on the agenda.

CHAIRMAN NOWALSKY: Okay, I'm going to shorten up that rope here and moving forward since we were in the middle of taking a vote. **I saw no opposition from the board; I saw abstentions from the Fish and Wildlife Service and the National Marine Fisheries Service, and an abstention from Georgia as well. So seeing that with the motion before us, the motion will pass with those three abstentions; Georgia, Fish and Wildlife Service and the National Marine Fisheries Service.** Okay, we will go ahead and move on then to our next agenda item. Actually, before we go to that, Toni had some comments here for us on issues regarding cumulative trip limits she wanted to bring before the board.

#### **DISCUSSION OF CUMULATIVE USE OF TRIP LIMITS**

MS. KERNS: I was at the Mid-Atlantic Council; and while the council was

reconsidering these specifications, they also were discussing trip limits. There was discussion to have cumulative trip limits. There had been discussions of up to 20,000 pounds as well as at 12,000 pounds. Because this board hadn't discussed cumulative trip limits and it was a new idea being brought forward, they decided not to take it on for this year, but asked us to discuss them and then bring back our thoughts on using cumulative trip limits in the dogfish fishery for the future.

We have used cumulative trip limits in other species before, like scup, where the commission sets a weekly trip limit and NOAA Fisheries has set a daily possession limit. I think it was the hope of the Mid-Atlantic Council that both bodies would have cumulative trip limits, though, meaning that it would be a weekly possession limit that could be accumulated over time. I think they wanted to raise this trip limit to help avoid discards in the fishery.

CHAIRMAN NOWALSKY: Toni, are you looking for any specific response from the board here today of what would be needed or is that just a point of information that you're looking for all the commissioners to go home and consider for future action?

MS. KERNS: I was looking for the board's thoughts on using trip limits so I could take it back to the Mid-Atlantic Council; as well as if the New England Council does bring it up, that we would have our thoughts on the use of cumulative trip limits. They were talking about this I believe for the northern region and not the southern states.

CHAIRMAN NOWALSKY: All, we'll take a few minutes. Tom O'Connell had his hand up.

MR. THOMAS O'CONNELL: I'm not opposed to the idea, but I'm curious in regards to law enforcement, the enforceability of monitoring the cumulative trip limits. Are they going to have access to

data to understand where a fisherman is during the week?

MS. KERNS: I did bring this up with law enforcement yesterday in anticipation of that question. Their thoughts have not changed since we did cumulative trips in scup where they find that cumulative trip limits are very difficult to enforce because they don't have timely data to show whether or not a fisherman has already offloaded or not during that week; so they can't tell if they have surpassed that weekly trip limit or not by one boarding.

MR. McKIERNAN: One of the problems with weekly trip limits is it might work more successfully for federally permitted vessels that are filling out VTRs properly; so as they steam out, the VTR is filled out. As they head back into port, the VTR is filled out; the VTR is in the wheelhouse and the officer can check the VTR to see what happened on this trip and in this week.

The problem with the nearshore fishery is if it is done by a state-waters-only fisherman, I don't believe any of the states – I know we don't in Massachusetts – have a comparable system that creates that accountability. Maybe the federal government could accommodate weekly trip limits and maybe the state fishery does without that.

There is an advantage, however, to going with larger trip limits, especially if you consider the predominance of males offshore; that if you want to reduce discards and actually to start to target some of the smaller males, you'd probably have to do that further from shore. I serve on the monitoring committee and there is often conversation about whether or not it would be appropriate to target males in the offshore areas, but the trip limits are never high enough. There might be some advantage there going forward.

CHAIRMAN NOWALSKY: Toni, did you want to respond or you've got that? Okay, Pat.

MR. AUGUSTINE: Mr. Chairman, along with what Mr. McKiernan is saying, there is no question that increasing the trip limits does eliminate discards, and I think that's part of the issue. As far as the law enforcement people are concerned, I think we've recently been paying an awful lot of good attention to them because they've been very much on target.

I think part of our role is making sure that we make their job as simple as possible. We have good enforcement suggestions and recommendations. In this case I think we should look at eliminating that weekly and go to the Mid-Atlantic and go for the higher quotas. I do think it would solve the problem on both parts. Thank you, Mr. Chairman.

MR. DOUGLAS E. GROUT: Instead of cumulative trip limits, why not just an increase in the daily trip limit? Is that just not going to be high enough for offshore vessels; is that the reason behind that? There are obviously enforcement issues with that.

CHAIRMAN NOWALSKY: Toni, perhaps you could take that back if you don't have an answer right now, but you can get some information about that. Mike Pentony.

MR. MICHAEL PENTONY: Just sort of following on from Dan McKiernan's comments; from the NMFS perspective we have always held that we cannot monitor or adequately monitor or enforce weekly or cumulative possession limits.

Remembering, as Toni described, the scup situation several years ago when the commission did adopt weekly possession limits, we held we could not monitor or enforce those; so we adopted a complementary per trip possession limit equal to the weekly limit. Nothing has changed; we still feel that we could not adequately monitor or enforce weekly possession limits.

MR. RICK BELLAVANCE: I guess I just wanted to offer maybe a flip opinion to the federal cumulative trip limits and not having it apply in state waters; we saw pretty loud and clear in the winter flounder case that the state boats felt really disadvantaged by having a state quota that was different than the federal quota.

There was an inequity argument there that I think we should probably think about as well. In Rhode Island we have a dogfish fishery right in state waters up against the federal waters, and I could see some fishermen having hard feelings about seeing one boat be able to take in a cumulative trip and they can't. We might want to think of that a little bit.

CHAIRMAN NOWALSKY: Toni, does that give you some information that you were looking for? One more comment; Bob Ballou

MR. ROBERT BALLOU: Mr. Chairman, I just want to note that Rhode Island has had experience with regard to what we call our aggregate landings' program, which is the same concept, for both scup and summer flounder. Monitoring through SAFIS, enforcement through logbooks and VTRs, we feel the program is working very well and I think this could work just as well. Thank you.

CHAIRMAN NOWALSKY: Are there any other comments? Toni looks like she has got some information. I appreciate the board's comment on that and she can take that information back.

#### **CONSIDER SPINY DOGFISH FMP REVIEW AND STATE COMPLIANCE**

CHAIRMAN NOWALSKY: All right, our next order of business will be to consider Spiny Dogfish FMP Review and State Compliance, and we will turn to Marin for that presentation.

MS. HAWK: This is the 2013 Spiny Dogfish FMP Review and State Compliance. It is a very brief presentation. Commercial harvest has increased with the increasing quota over the year since the development of the FMP in 2002. In 2012 the quota was 30 million pounds and coast-wide commercial landings were 27,900,000 pounds. These landings were comprised of 97 percent female.

The recreational landings made up less than 1 percent of the total catch with about 42,000 pounds. The discards were about 10.5 million pounds, which is similar to previous years discards. There are no specific surveys aimed at monitoring spiny dogfish; however, there were seven surveys that encountered spiny dogfish.

There were no trends that were apparent in these surveys so not much information was gleaned from them. The plan review team reviewed all state compliance reports. All states' regulations were consistent with the FMP. I did just want to note that Table 9 in the FMP Review that was distributed with the board materials was incorrect. Massachusetts does have a finning prohibition.

The plan review team received four requests for de minimis; Delaware, South Carolina, Georgia and Florida. All of those states meet the requirements, which is less than 1 percent of total landings. Connecticut and Maine also qualified but they did not request de minimis. The plan review team recommends granting all of these requests. That's all I have. Thank you.

CHAIRMAN NOWALSKY: Are there questions for Marin? Seeing none; do we have a motion to come before the board? Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, I move that the board accept the 2013 Spiny Dogfish FMP Review and state compliance and approve de minimis**

**status for Delaware, South Carolina, Florida and Georgia.**

CHAIRMAN NOWALSKY: Dr. Rhodes seconded the motion. Is there any discussion on the motion? Seeing none; is there any opposition to the motion; abstentions; null votes. **The motion carries without opposition.**

**SET 2014 COASTAL SHARK SPECIFICATIONS**

CHAIRMAN NOWALSKY: All right, our next order of business will be to set the 2014 coastal shark specifications, and we'll turn to Carolyn Belcher for that.

DR. CAROLYN BELCHER: The technical committee reviewed the draft specifications that HMS has put out. The 2014 coastal specifications that the technical committee looked at during its September 27<sup>th</sup> meeting; they're still obviously in draft form. The finals won't be out until closer to the first of the year.

The aspects that were kind of discussion points for our group was looking at how blacknose is going to be handled with overharvesting; the idea being is that it will be spread out over the subsequent years to help lessen the impact to the fishermen as opposed to taking one big hit up front. Then there was a discussion relative to the season's start date of January 1<sup>st</sup>.

I know most of us are aware of the seasonality of these animals; so as we start earlier in the year because of cold water off of the Mid-Atlantic, those states don't get the chance to fish to the degree that those southern states do; and as such, obviously it impacts the equitability of catch up and down the coast.

Karyl Brewster-Geisz, who is on our committee, had noted that they received many comments relative to that date; so we're still kind of in that draft stage. Again, finals won't be out until closer to the first of

the year; so there could be some discussion at that point. As you can see relative to quotas from 2013 to 2014, the only changes that are pretty obvious are the small coastal sharks' group. There is an increase there.

The blacknose has a decrease to deal with the overfishing issues; and porbeagle is actually going to get some proposed quota this year as well. Those are the major changes that we see. Again, this could change depending on whatever other comment NOAA gets or HMS gets on this subject. That is for that point.

CHAIRMAN NOWALSKY: All right, where we are with this, we will first entertain questions on that brief presentation. Rob.

MR. ROB O'REILLY: I know there has been some concern with the January 1 opening, and I don't know how to gauge just how much concern based on Carolyn's comments. I know that I talked to Louis Daniel a few times and to Toni, and the situation is that there can be a problem with little quota left by the time, for example, in Virginia our closure stops, which is after July 15<sup>th</sup> – May 1 to July 15<sup>th</sup>.

I wasn't sure – I haven't really followed up with Toni – as to whether all those comments were placed in the response on this issue. The other comment I have is the 80 percent seems a little conservative. I know that it's not being considered but was there any discussion about the 80 percent trigger for the closure?

DR. BELCHER: To my recollection I don't remember that 80 percent discussion. I do know, past and present, the discussions about we've been through many changes with the season and opening and closing, and it always does come down to the same point, the January 1, because of that cold water precluding states – the states do have that concern and will continue to voice that concern about that disconnect in how that affects the quota for the northern states. I can't tell you specifically that 80 percent – it

has been more of that fact again about the equitability of the northern states being able to catch their fair share of the quota.

MR. AUGUSTINE: Having been on the HMS Committee for a bunch of years when I was with the Mid-Atlantic, this issue kept coming up again and again and again. The problem was that those states that had access to the animals early on were literally wiping up the quotas; primarily the Gulf of Mexico and that area.

The concern would be if we go back to January 1, what is to prevent that from happening unless certain species are put on the prohibited list for the Gulf of Mexico. So, quite frankly, from my experience, I would not support – if we were to write a letter, I would not support going back to January 1. I know I've had some discussions with the HMS group. I just think it's a bad idea.

Again, we will go back to that area where – well, first off, we now have limited shark fishermen primarily because you either have to have an experimental permit or you're basically out of it. That has been a hardship on a lot of the shark fishermen that I've known over the years. And now to go back to January 1 just compounds the problem even more. I really don't think we should support this unless you have more clarification, Carolyn.

DR. BELCHER: To that point, I do know that there was a letter that was sent from ASMFC relative to that point on behalf of the board stressing that concern over January 1; and the technical committee does again support that and the fact because it is a seasonality issue, for sure.

MR. O'REILLY: I guess just another question; when would a seasonal quota be able to be talked about; so, for example, having it based on different seasons? Is that something that has been the works?

MS. HAWK: Under adaptive management in the FMP, the board can consider that at any time.

CHAIRMAN NOWALSKY: Seeing no other questions on the presentation; the action that would be before the board here today would be potentially approve the 2014 specifications. We do have the one hurdle, however, with regards to the fact that these specifications may be changed in the not too distant future. What the board may consider is drafting a motion that may be contingent upon those specifications changing moving forward. Pat.

MR. AUGUSTINE: Mr. Chairman, I'll make the motion after someone puts it up there for me, so I don't have to wordsmith my own motion. We're going to have to expand that motion as the chairman had suggested. **I move to approve the 2014 coastal shark specifications conditional on NOAA Fisheries final rule.**

CHAIRMAN NOWALSKY: Now, when we go ahead and say "conditional", would that be enough information to – phrased like that; would that mean that we're not approving it until NOAA Fisheries approves it or would that mean that we would change it when they changed it?

MR. AUGUSTINE: It should be conditional on the fact they will change it and that we approve because we have been abiding by similar or mirror-type rules all these years. Toni might have a better word.

CHAIRMAN NOWALSKY: Perhaps "contingent" – well, let me stop there for a minute. Let's start with this. Let's entertain a second to that and then we'll work on wordsmithing it. Mr. Himchak seconds the motion before us. Okay, seeing that, maybe we can get some guidance from staff here on how to wordsmith this to achieve what we're trying to achieve.

MS. KERNS: I guess my question to the board is are you saying that you want to

automatically approve whatever NOAA Fisheries puts out or is this specific to the start date?

CHAIRMAN NOWALSKY: I believe that what we're looking to do is to approve what we saw before us today; and should those regulations be changed, our regulations would automatically change without them having to come back before the board. Is that correct what the intent of your motion and second was?

MR. AUGUSTINE: That's correct; and I do want to address the letter again if we need to, but we've already sent one letter. If it's important to split it out and send a second letter that would address the concern about the January 1<sup>st</sup> start date; but you're absolutely right, Mr. Chairman, that addresses the issue.

MS. KERNS: I believe the wording is fine, especially with having on the record what your intention is.

CHAIRMAN NOWALSKY: Is there any other discussion with suggestions for changing it or with having that on the record about what our intentions are sufficient. Is there any other discussion on this matter? Okay, Rob.

MR. O'REILLY: Mr. Chairman, I know we don't have a time certain for the National Marine Fisheries Service Final Rule. Is it necessary to go forward with this today? That would be a question; and if it is, then Virginia would have difficulty supporting that January 1, 2014, opening.

MS. HAWK: In the past NOAA Fisheries has come out with their final rule usually about the second week of January; so that would be up to the board whether you want to proceed with this or not given that information. Maybe Kelly has something to add.

MS. KELLY DENIT: Just to clarify that we're targeting to try to have the final rule

out in the beginning of December to inform the board's decision-making.

CHAIRMAN NOWALSKY: I think where we are is that if we don't take action here today, we wouldn't likely be taking action prior to February at that point; so that's really why this action is before us here today with the contingency/condition about should these numbers be changed, they would just automatically be implemented through the board. Does that meet your needs,

MR. O'REILLY: Without being able to see down the road on how adaptive management would work to provide some security to those states that could be left behind on this January 1 date, I think what has been provided is sufficient, but there is still that question of taking that up later,. I suppose.

CHAIRMAN NOWALSKY: And what would meet your needs for later, at a subsequent board meeting, have staff getting back to you in the next couple of weeks; what would you like to help meet the needs of your state?

MR. O'REILLY: I sense some interest from other states that they would like to see modifications to just having the quota in a derby style, which can happen and has happened. Perhaps looking at seasonal options so that there would be some quota still available later on in the second half of the year for states would be my preference.

CHAIRMAN NOWALSKY: One of the options I could see with us moving forward, after we take action on this, would be direct the plan development team to look into that for us.

MR. O'REILLY: I think that would be very good. Thank you.

CHAIRMAN NOWALSKY: Okay, is there any other discussion on this motion? Pat.

MR. AUGUSTINE: Yes, clarification, Mr. Chairman. I'm assuming when we said

specifications, we were talking about the quota-setting. We weren't talking about the January date. I think Mr. O'Reilly's concern is that by us doing this we automatically accept the January 1 date. That was not my intention.

My intention was to accept the specifications for the quotas that have been presented by Carolyn. The second part of it would be – as she iterated, we have already sent one letter saying we weren't happy with the January date. Even though there will be a final rule coming out in December, I still think we need to have another separate piece of paper, another letter from the commission saying that we do not approve going to the January 1 date.

Whether it gets any traction or not, I do think we have to go on record. It is going to have a negative effect on our fishermen, and Mr. O'Reilly is right on target with that. They may have moved to the point where it's going to be a slam dunk and they're going to incorporate it, but I still think we need to go on record it will have a deleterious effect on our fishermen.

As a separate motion or just a letter from you, Mr. Chairman, directed to the staff to generate a letter to them saying we are not in favor of – that's assuming that the rest of the board feels similar.

CHAIRMAN NOWALSKY: I'll give Marin a chance to respond to that and then we can decide if further action is needed on the part of the board.

MS. HAWK: I just wanted to remind the board that the FMP indicates that you will not actively set quotas or opening and closing dates; so as of right now the FMP dictates that we follow NOAA Fisheries opening and closures whenever they decide. If you wanted to change that, it would require board action.

MS. KERNS: What we are doing is we are – when we say we're following the

specifications, we are accepting the possession, right? The possession limits is what we're approving for the board?

MS. HAWK: Yes, the quotas and the possession limits; well, basically just the possession limits.

MS. KERNS: And to remind the board that we did send a letter when the comment period was open, and Rob had asked if we had – and Virginia also sent a letter in regard to the possession limits as well. We did have conversations with HMS staff expressing our concerns with those start dates and the possession limits to make sure that there would be fish available throughout the season.

MR. AUGUSTINE: To that point, Mr. Chairman, please.

CHAIRMAN NOWALSKY: I'll just add before we reiterate that, then I would just like some clarity then on the starting date. Do we have a date through this motion that would constrain our states to a specific date at this time?

MS. HAWK: Yes; but in the proposed rule the date is January 1<sup>st</sup>, but NOAA Fisheries has indicated that this date might change due to the public comments that they received on that rule.

CHAIRMAN NOWALSKY: Is the public comment period still open whereby another letter could affect change or is there any – writing another letter at this point; how could that impact the process, if at all, or is it basically out of the hands of any additional input at this point? Kelly, I hate to put you on the spot but any input you could provide would be great.

MS. DENIT: The public comment period has closed and we're in the midst of final rulemaking. Obviously, if the board would like to send another letter, they're welcome to do that. It's too late, probably. But, reiterating or reinforcing, certainly I

recognize and I'm sitting here and I'm hearing what you're saying, and I can take that back to HMS.

CHAIRMAN NOWALSKY: Pat, did you have a further comment?

MR. AUGUSTINE: So based on that, whether we approve those specifications or not, the specifications will be implemented. If we don't accept them and go along with them; we're going to be zigging and zagging. We've been out of sync with NOAA before, but I just don't see us going down that way. I think at this point in time it's a late date, it's too late, the game is almost over and the score is going to be put up in the first part of December. I would still go forward with this motion.

CHAIRMAN NOWALSKY: Okay, so what I would see, then, is just to be clear, this motion with regards to approving the specifications would approve the quota, the possession limits; and the date is to be determined yet at this time. And then after we dispense this motion, we could have discussion about the plan development team looking at seasons or any other ideas this board may have before it. Given that, is there any other discussion on this motion? Rob.

MR. O'REILLY: The discussion has been very helpful and I think that on the to be determined, I can be optimistic for the moment and would be able to support this motion.

CHAIRMAN NOWALSKY: Okay, hearing that; is there any public comment on this motion? Seeing none; I'll give board a moment to caucus.

(Whereupon, a caucus was held.)

CHAIRMAN NOWALSKY: Okay, all those states in favor – okay, we're going to go with the roll call method again. I will go ahead as a final action and ask again if there are any objections to the motion as it is

before us? Seeing none; are there any abstentions; any null votes. **Okay, seeing none, the motion passes unanimously without opposition.** Rob, would you like me to turn to you to continue the discussion about the seasonal measures and possibly tasking the plan development team with action.

MR. O'REILLY: Mr. Chairman, I would; and I think if there can be different seasonal regimes that could be established based on the landings' trends of the states, that would be the place to start. I know in particular for Virginia with the closure from May 1 to July 15, it's obvious that after that time – even though earlier we have the distribution, we have the closure. After that time, July 15<sup>th</sup>, would be a window for Virginia.

I think from talking to Louis Daniel that there is a similarity there for North Carolina, but Toni has also talked to Louis Daniel and may have that information as well. I think based on recent information you could probably configure a few seasonal options that could be reviewed at a later meeting.

CHAIRMAN NOWALSKY: From what I've heard in conversing with staff based on the way the FMP is right now, to ultimately achieve that we would need to get to an addendum to accomplish that. At this stage we could task the plan development team with coming back to us with a white paper or some other type of informational that you could feed into that process; or, you could go ahead and initiate an addendum to go ahead with that and jumpstart that process.

My guess is that whatever we're looking at, we're probably looking at 2015 at this point. Whether we get a white paper that comes back to us or an addendum isn't going to change initiating either those at February I don't think. Again, what would be the pleasure of the board? There is clearly a need here for at least some states; so what would you like to do? I think the two options before us are get a white paper back from the plan development team that could



spell out some of the options or have them start looking at drafting an addendum to bring back to us with those options. Rob.

MR. O'REILLY: I think the white paper is the right place to start to have everyone aware of the possibilities. I think this has been a relatively quiet issue at the ASMFC in general; and then towards the eleventh hour there has been a little bit of commotion about all this. The January 1 date is sort of a perennial situation; but the other issues I think were fairly quiet from what I recall from past meetings. It would be better I think to raise the awareness of maybe all the states of what the possibilities could be with the seasonality to the quota. Thank you.

MS. KERNS: Rob, would you also like the plan development team to explore seasonal possession limits since that is one of the things that HMS has discussed using to ensure that the quota is stretched out throughout the year from the conversations that I have had with them.

MR. O'REILLY: Thank you, Toni, and that was also one of our interests in Virginia and I think North Carolina, but I can't say for certain; but I think that would be a good approach and it could possibly achieve the same desired result.

MS. KERNS: And I mean adjustable possession limits and not seasonal. I apologize for misspeaking.

MR. O'REILLY: I understood; thank you.

CHAIRMAN NOWALSKY: This discussion here today would be sufficient to get the plan development team started on that without a formal motion. Are there any other specific inputs any members of the board want to give at this point; it certainly isn't a constraining timeframe. It's an iterative, ongoing process; but is there anything specific to go ahead and give the plan development team information right now?

Seeing none; is staff comfortable that we've got enough information to have the plan development team bring something back to us at the February meeting is what we would be looking at? Okay, so this board will have information about that in February.

### **SHARKS DRAFT ADDENDUM III FOR FINAL APPROVAL**

CHAIRMAN NOWALSKY: All right, we'll next move on to our next agenda item, which is Addendum III, which is up for final approval today. I'll turn to Marin for a review of that addendum.

MS. HAWK: This is Draft Addendum III for final approval. I'm just going to quickly go over the options and give you a brief public comment summary. I just wanted to mention that Louis Gillingham couldn't make it, so I will be giving the AP report, but I'll leave time between my presentation and that report for questions.

We are at the final stages of approving this document; so today you will review the options and select management measures and give it final approval. Just to remind you, NOAA Fisheries Amendment 5A addressed the recent stock assessment findings for scalloped hammerhead, blacknose and sandbar sharks.

In that rule they established new species groupings and quotas for hammerhead and blacknose sharks. They also established a new recreational size limit for all hammerhead sharks. These measures were implemented July 3<sup>rd</sup> and August 2<sup>nd</sup>, so they are already in place in federal waters.

A key goal of the Coastal Sharks FMP, as I remind you a lot, is to maintain consistency between NOAA Fisheries and the ISFMP. These new species' group quotas and recreational size limit result in inconsistencies, and that's why this addendum was developed. Just some background; when NOAA Fisheries opens or closes federal waters for hammerhead

sharks or blacknose sharks, state waters follow suit.

Removing the species from the species' groups doesn't actually impact the FMP or the regulations as written; and so NOAA Fisheries removed these species from their respective groups and just established separate groups for them. Just some more background; the current recreational size limit for hammerheads is 54 inches; and the stock assessment found that the female scalloped hammerhead shark reaches maturity at 78 inches; and so that new size limit would limit the retention of mature individuals.

Issue 1 is to establish new species' groups and quota. Option A is status quo; the commission will not change the species' groupings in the ISFMP. Option B is to change these species' groupings and quota to be consistent with the Highly Migratory Species Amendment 5A. Here would be the new species' groupings and linkages. As I mentioned, hammerhead sharks would be removed from the large coastal sharks species' groups and placed into their own separate species' group.

Then these two species' groups would be linked so whenever one closes, the other would also close. The same with non-blacknose small coastal sharks and blacknose sharks; they were already in separate quotas and they were already linked, but they will now be in their separate species' groups.

Issue deals with the recreational size limit. Option A is status quo; the commission will not change the recreational size limit for hammerhead sharks. Option B is measures consistent with the Amendment 5A. Smooth hammerhead, scalloped hammerhead and great hammerhead sharks will have a 78 inches fork length recreational size limit. All other recreational measures will remain the same. There were no public comments received on this

addendum. I can any take any questions you may have. Thank you.

CHAIRMAN NOWALSKY: Are there questions for Marin? Pete.

MR. HIMCHAK: Marin, I think is a no-brainer as to what we have to do; but as far as reshuffling the sharks in the different groupings is quite a chore when you have to change the regulations. My only question is – and I think I just touched upon it, but it wasn't in the addendum – taking hammerheads out of the non-sandbar large coastal group – and in our current regulations the large coastal group has that season closure in state waters. The hammerheads are still subject to the state waters closure; are they not?

MS. HAWK: Yes, they are.

MR. HIMCHAK: Okay, and then the same thing for the possession limit. Whereas now it says possession limit, large coastals, so now it would be large coasts and hammerheads combined?

MS. HAWK: Yes, all the appropriate sections in the FMP would be changed to accommodate these new species' groupings.

MR. AUGUSTINE: Marin, you did a great job. There is no question this will put us in line with where we should be so we're consistent. As my old expression used to be, it is kind of a no-brainer; so whenever you're ready for a motion, Mr. Chairman.

CHAIRMAN NOWALSKY: I'll give the board another opportunity for comment or questions. Seeing none, I do have a couple of other reports to go through, Pat. I appreciate your enthusiasm and we will put it to you shortly. As Marin indicated, we didn't have any public comment for her to present. She does have an AP report for us.

MS. HAWK: As I mentioned, this is the AP report. We held a conference call to discuss Draft Addendum III and five AP members

participated. There was a little bit of concern with the new quota linkage. As the AP indicated when the blacknose and non-blacknose species' groups are linked, it resulted in underharvest of the non-blacknose species' group when the blacknose species' group closes.

NOAA Fisheries was part of this call and they indicated that this has actually not happened in the past. I just wanted to point that out to the board. Issue 2, the recreational size limit, the AP didn't have any issues with this, although some recreational fishermen felt that putting a size limit on the recreational fishery and not on the commercial fishery put them at a bit of a disadvantage. That's all I have for the AP report. Thank you.

CHAIRMAN NOWALSKY: Are there questions? Okay, seeing none, we have a technical committee report.

DR. BELCHER: The technical committee met on September 27<sup>th</sup> of 2013 to discuss both the 2014 specifications and Draft Addendum III. We also had a couple of other lesser important items that we also discussed; one being the scientific exhibit permits that are issued to folks, how states are following up with those once you have issued them.

If you have a shark that is in an aquarium, who is responsible for ensuring what is going on with that specimen? That was again more informational and finding out most states have different ways and mechanisms of dealing with it; or it is issued but it is not really monitored. It was kind of more again discussion and information amongst the group.

The other item was discussion of the adoption of smoothhound as a swap for smooth dogfish within the FMP; because obviously the animals – the vernaculars do have different connotations, but there was discussion that HMS had adopted the use of

smoothhound as a complex in their Amendment 3.

As such, our language was changed, but we did have discussion because Florida does have the presence of both smooth dogfish and smoothhound; but the ratio of which those two species occur was low enough that Florida really didn't feel that the vernacular change was going to hurt them. At that point folks felt that it was okay to issue that smoothhound naming overall to include the two species.

With regards to what happens with the Draft Addendum III, there were seven of us on the phone call. We didn't anticipate any issues as far as the options that are currently laid out. In this particular situation obviously the consistency would be key in the success for this, especially with these groupings.

Hammerheads in general are obviously easy to identify. We recommended going ahead and adopting both Options B under Issue 1 and Issue 2, which are the measures to be consistent with NOAA Fisheries. That is pretty much all of our discussion relative to that and I'll take any questions that the group might have.

CHAIRMAN NOWALSKY: Are there questions on the technical committee report? Mr. O'Reilly.

MR. O'REILLY: Just a question about where things stand on the smooth smoothhound as far as the quota. Also I know we're going forward in December to establish the fin-to-carcass ratio; is there any idea where NMFS end up on that? Since that isn't final yet; is there anything that we will know that will be coming back after we establish the 12 percent to 88 percent; any ideas on that?

DR. BELCHER: I'm not a hundred percent sure and I'm going to look to Marin to help me with that. We do know obviously that was part of where our question came up in the group was that when we looked at that

12 percent rule, it was relative to smooth dogfish; so the question was would that ratio still apply in a smoothhound type category. I think again knowing that the proportion that is actually smooth dog, it wasn't as big a concern for the group as we discussed it. I don't really know where HMS is relative to the smooth dogfish.

MS. HAWK: Sorry, Rob, I was consulting with the chair when you asked your question; so could you please repeat it.

MR. O'REILLY: Yes, I was indicating that we're going forward with the 12 percent and to 88 percent after conferring with you earlier as to what needs to be in place by January 1. I was wondering how firm that ratio is. Has there been any other discussion as to whether that might change; how does that look?

MS. HAWK: I believe it's very firm. It's not looking like it's going to change.

CHAIRMAN NOWALSKY: Are there any additional questions? All right, seeing none, our next step then would be to take action on this. We have two issues in this addendum. We could take separate motions or combine them. We will then need to take final action on the addendum as a whole, and then we could have some discussion about an implementation date. Mr. Augustine.

MR. AUGUSTINE: Mr. Chairman, let's go forward with an overall motion.

CHAIRMAN NOWALSKY: We originally had from you Pat as two separate motions. If you would like to move forward in that manner or if you'd now like to combine it, that would be at your discretion.

MR. AUGUSTINE: I would like to combine it, Mr. Chairman. Quite frankly, it's a slam dunk. The things we are doing are in line with them so let's do it all unless someone really has a stomach ache about it.

CHAIRMAN NOWALSKY: I'll give Mike a minute to combine your motions for you.

MR. AUGUSTINE: That's great! If I may read it, Mr. Chairman, **move to approve Issue 1, Option B: Measures Consistent with HMS Amendment 5a; and approve Issue 2, Option B: Measures Consistent with HMS Amendment 5a. Smooth hammerhead, scalloped hammerhead and great hammerhead sharks will have a 78-inch fork length recreational size limit. All other recreational measures will remain the same.** I think that should be it.

CHAIRMAN NOWALSKY: Okay, we have a motion; do we have a second to that motion? Seconded by Mr. Himchak. Is there discussion on the motion? Is there any objection to the motion? Are there any abstentions to the motion; null votes. Should the record that we don't have any constituents from here? Okay. **All right, the motion passes without objection.** Our next step then would be to go ahead and entertain a motion to approve the addendum with the options chosen here today. Mr. Augustine.

MR. AUGUSTINE: **Mr. Chairman, move to approve Addendum III to the Coastal Sharks FMP as selected today.**

CHAIRMAN NOWALSKY: Seconded by Mr. Himchak. Is there any board discussion on this? Is there any additional comment from the public on this addendum? Seeing none, we will now turn back to the board for a vote. This is a final action. In lieu of a roll call vote, I will ask if there is any objection to the approval of this addendum today. Seeing no objection, are there any abstentions, no abstentions; any null votes, no null votes. **The motion carries.**

The next order of business then would be to discuss the compliance schedule implementation date. In talking with staff here, January 1, 2014, was a date that was suggested. I would turn to the board for any

state-specific compliance issues that we may need to consider here today. Jim.

MR. JAMES J. GILMORE, JR.: We can do this as an emergency rulemaking in New York. However, we have so many of them I'm getting the attorneys really annoyed at me. A typical rulemaking on a normal procedure will take three to six months. It would be helpful actually if we had a little bit of latitude on that to say maybe March 1<sup>st</sup> or something just so we can finish our process. Again, if it's not the pleasure of the board, we can get an emergency rule done by January 1<sup>st</sup>. Thank you.

MS. HAWK: Just to clarify to the board, I was under the impression that the states just followed the FMP and deferred to NOAA Fisheries. I wasn't aware that any states actually had to put out rulemaking. If that's not the case, then, of course, we can move the date later in the season. I just wanted to get some feedback on that first. New York would have to have rulemaking for this?

MR. GILMORE: If I do a size change, I essentially have to do the rulemaking.

MR. HIMCHAK: Just a technical point; because of the reshuffling of the species into all these different groups, we have to do rulemaking, but we can do it by notice of an administrative change and have it done by January 1<sup>st</sup>. It took a lot of rewording because essentially you're reshuffling the deck.

MR. CLARK: Similarly, we start the process immediately but it would take a few months, because we also have to go through the regulatory process.

MR. O'REILLY: March 1 would be good for Virginia. Although we could do an emergency, we'd prefer not to. It sounds like March 1 may be ambitious for some of the states.

CHAIRMAN NOWALSKY: Well, I think hearing the conversation around the board

here at this point, the changes to those state plans I believe would just need to come back to this board for approval. Would the February meeting be reasonable for the board to be able to see those state regulations at this point?

I am seeing nods of heads. I'm not seeing any waving hands indicating extreme opposition to that. With that then, if we do that in February, we could leave here today with a March 1<sup>st</sup> date, although I heard some comment about that; that may be a little ambitious. Rob.

MR. O'REILLY: No, that was a shrug. I was following up on John's comments about at least three months or something; so I just wanted to make sure that everyone was March 1.

CHAIRMAN NOWALSKY: Okay, we've got March 1 as a proposal before us with the caveat also that those states that do need to make changes will bring them back to the board for the February meeting. Marin.

MS. HAWK: The February board meeting is the first week in February, and the plan review team will need time to review those state plans. What would be a good date to have those state plans turned into staff? Does early January – I know the holidays are coming up – so January 5<sup>th</sup>. Okay, great, thank you.

CHAIRMAN NOWALSKY: Okay, do we need a specific motion on the implementation date at this point or just the record reflecting March 1, 2014, sufficient? I'm getting nods of heads from staff. We've got an implementation date for this addendum, then, of March 1, 2014. States that are changing their plans will turn them into the plan review team for review on or about January 5, 2014, and those will come before this board at the winter meeting.

That concludes discussion on that item. There was no other business brought before

this board. Seeing none, I will turn to Mr. Adler.

MR. ADLER: Mr. Chairman, I just wanted to bring this thing back up – I know I'm repetitive – on dogfish. When I looked at my notes of some of the comments that came from the fishermen, it said that the National Marine Fisheries Service has not been doing anything. I wanted to ask and see if the representatives from NOAA who are here can indicate that they've done anything on that dogfish problem we talked about earlier. I'm not going back into the whole story. Do they have any comment on anything that they're trying to do to improve the market thing?

CHAIRMAN NOWALSKY: Well, the specific problem you're referring to is the markets. Obviously, the biggest factor that caused the loss of those markets was the reduction in quota previously. Thankfully we're going in the other direction at this point. Mike, I saw you come forward; did you want to respond at all to markets?

MR. PENTONY: Yes; I can try to respond to the question. We have been requested to write a letter of support. There has been some attempts and some conversations between industry and members of Congress and others about having dogfish added to I believe it is a USDA category of food products that can be supported and used in schools and other institutional food service industries. We, the agency, have been requested to write a letter of support for that program. That is still under discussion and consideration. We have issued no final decision on that, but we are looking into it.

MR. ADLER: That would be good and I think it ought to be put out from NOAA that they're trying to do something about it and not just – the fishermen have the feeling that you don't care about us. I see you're trying to do something, but you do have restraints as to what you can do. I mean, you can't go and call up Europe and go, hey, take them. But, at the same time if you could somehow

in the – put out something to the fishing industry showing that you are doing whatever you can to help the situation, that would be I think very helpful.

MR. PENTONY: Keep in mind that there is an issue with the PCB levels that have been found in the fish that have been exported to the EU. We do have to be somewhat sensitive about taking agency positions on food products that may or may not have PCB issues.

CHAIRMAN NOWALSKY: Comment from the audience?

MR. RAYMOND KANE: Good morning, ladies and gentlemen. I have been a life-long commercial fisherman. My name is Raymond Kane. I also work as an outreach coordinator the Cape Cod Commercial Fishermen's Alliance. Dogfish, as you all know, is prevalent off the waters of New England.

I know for Bill's fleet it is a money-value fish and for the fleets on Cape Cod. Our organization took it upon ourselves to do testing. We sent 12 samples out; very expensive; \$700 per sample. Twelve samples passed U.S. Standards; nine of the twelve past the Euro standards. By the way, the standards on dogfish were dropped in Euro from 150 to 75. Meanwhile, salmon has stayed the same.

Our organization is working with the processors and with academia to try to establish a market within this country and to bring back the market. We feel it has been lost in Europe. The bellies themselves, years ago when we were cut back to 4 million pounds, they substituted dogfish bellies with salmon bellies.

The younger generation, as Pete spoke to earlier, in Germany in the biergartens, they enjoy the salmon bellies. But, we are moving forward with this; and I would appreciate this commission going home and not talking about the PCBs but talking about

another fish product, which is edible and perishable. And as I said, every sample passed U.S. Standards and nine of the twelve in Europe. I hate to inform Patsy, but it was Italy that keeps red flagging dog fish.

CHAIRMAN NOWALSKY: Thank you, Raymond. Obviously, the loss of the EU market due to that is something that our fishermen, with the help of ourselves and our government, are going to have to continue to overcome. I hope we can all continue to work together to find solutions to that.

### OTHER BUSINESS

CHAIRMAN NOWALSKY: Is there any other business to come before this board? Before entertaining a motion to adjourn, Bob.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Just a couple of housekeeping or scheduling issues; I don't see a need to have the Policy Board or Business Session later this afternoon. During that meeting is when we usually read the resolution thanking the host state for the annual meeting. David Simpson has that wording now; so it might be a good time to read it.

MR. DAVID SIMPSON: Up front I want to thank the other committee members, Bernie Pankowski and Steve Train and especially Tina and Laura for all their help. Here we are:

WHEREAS, the 72<sup>nd</sup> Annual Meeting of the Atlantic States Marine Fisheries Commission was conducted on the breathtakingly beautiful St. Simons Island, which provided a spectacular backdrop for the commissioners, management and science, law enforcement, habitat, Atlantic Coast Fish Habitat Partnership members and the commission staff to tackle issues of mutual concern; and

WHEREAS, the weather could not have been more perfect and provided the northerners with a few more delightful warm days that we were not expecting to experience again until next spring; and

WHEREAS, the opening reception was a lovely affair held in the St. Simons Casino, where some commissioners were seen wandering about in search of slot machines; and

WHEREAS, Melissa Laser ACFHP Award was presented at the reception to a most deserving Bill Goldsborough honoring his steadfast commitment to habitat for more than two decades; and

WHEREAS, the 22<sup>nd</sup> Laura Leach Fishing Tournament provided anglers the opportunity to land an array of species from Bernie Pankowski's bull red to Roy Miller's surprisingly impressive bay anchovy; and

WHEREAS, the staff of the Coastal Resources Division pulled out all the stops and only fed us amazing southern food, beginning with an endless oyster roast, moving on to fried shrimp, cheese grits and collards (y'all), and ending with an endless sky of majestic color and a great band to bogie to, and the most beautiful port-a-potties where several women were overheard extolling their virtues; and

WHEREAS, the 23<sup>rd</sup> Annual David H. Hart recognized Ritchie White for his unwavering commitment to successful management of marine fisheries along the Atlantic Coast; and

WHEREAS, everyone at the meeting had such a great time to such an extent that when one state director was asked about his plans for an upcoming annual meeting in his state, he replied we're having our next meeting in Georgia; and

NOW, THEREFORE, BE IT RESOLVED, that the Atlantic States Marine Fisheries Commission expresses its deep appreciation

to Georgia's commissioners, Spud Woodward, John Burns, Nancy Addison and especially Pat Geer, Nancy Butler, Tami Gane and Doug Haymans, for their exceptional assistance in the planning and conduct of this outstanding 72<sup>nd</sup> Annual Meeting. We will all leave with Georgia on our Minds. (Applause)

MR. SPUD WOODWARD: I'm glad that the restrooms made the resolution because we struggled but we felt it was particularly important for folks that had never been to this part of the world to realize that we don't all use little wooden shacks with crescent moons on the door as restrooms and so we wanted to make sure that – you know, that is a very important part of any social function.

We were pleased to do that and we were very glad to have y'all here and for the blessing of the wonderful weather. We hope that you will leave with Georgia on your Mind and come back. If you have ever have an interest in coming back, just let us know and we'll do our best to roll out the same carpet for you.

#### **ADJOURNMENT**

CHAIRMAN NOWALSKY: All right, is there any other business? Seeing none, I'll entertain a motion to adjourn. Pat and seconded by Mr. Adler. This board is adjourned.

(Whereupon, the meeting was adjourned at 9:30 o'clock a.m., October 31, 2013.)