

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

**Crowne Plaza Hotel  
Old Town, Alexandria, Virginia  
February 1, 2010**

Board Approved: May 2010

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1. **Approval of agenda by consent** (Page 1).
2. **Approval of proceedings of November 9, 2009 by consent** (Page 1).
3. **Move to approve the specifications for the large coastal sharks for 2010** (Page 2). Motion by Pat Augustine; second by Peter Himchak. Motion carried (Page 2).
4. **Move that the Spiny Dogfish and Coastal Sharks Management Board recommend to the ISFMP Policy Board that the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks. New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of those regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance, the state of New Jersey must implement all measures contained in the Interstate FMP for Atlantic Coastal Sharks** (Page 7). Motion by Roy Miller; second by Pat Augustine. Motion carried (Page 8).
5. **Move that for May 1, 2010 through April 30, 2011, the spiny dogfish quota be 15 million pounds** (Page 17). Motion by David Pierce; second by Ritchie White. Motion carried (Page 19).
6. **Move to require the northern group fishermen to operate under a 2,000 pound trip limit for the 2010 season** (Page 19). Motion by David Pierce; second by Doug Grout.  
  
**AMENDMENT TO THE MOTION ON PAGE 21: Motion to amend that states set the trip limits up to 3,000 pounds for 2010-2011.** Motion carried on Page 22 as the main motion.
7. **Motion to adjourn by consent** (Page 23).

## ATTENDANCE

### Board Members

Terry Stockwell, ME, proxy for G. Lapointe (AA)	Craig Shirey, DE, proxy for Patrick Emory (AA)
Pat White, ME (GA)	Roy Miller, DE (GA)
Doug Grout, NH (AA)	Tom O'Connell, MD (AA)
Ritchie White, NH (GA)	Bill Goldsborough, MD (GA)
Dennis Abbott, NH (LA)	Russel Dize, MD, proxy for Sen. Colburn (LA)
David Pierce, MA, proxy for P. Diodati (AA)	Jack Travelstead, VA, proxy for S. Bowman (AA)
William Adler, MA (GA)	Kyle Schick, VA, proxy for C. Davenport (GA)
Sarah Peake, MA (LA)	Ernest Bowden, VA, proxy for Del. Lewis (LA)
Bob Ballou, RI, proxy for M. Gibson (AA)	Louis Daniel, NC (AA)
David Simpson, CT	Bill Cole, NC (GA)
Lance Stewart, CT (GA)	Fentress Munden, NC, proxy for Rep. Wainwright (LA)
Craig Miner, CT (LA)	Robert Boyles, SC (LA)
James Gilmore, NY (AA)	Patrick Geer, GA, proxy for S. Woodward (AA)
Pat Augustine, NY (GA)	Jessica McCawley, FL (AC)
Brian Culhane, NY, proxy for Sen. Johnson (LA)	Bill Orndorf, FL, (GA)
Peter Himchak, NJ, proxy for D. Chanda (AA)	Wilson Laney, USFWS
Tom Fote, NJ (GA)	Margo Schulze-Haugen, NMFS
Gil Ewing, NJ, proxy for Asm. Albano (LA)	

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

### Ex-Officio Members

Lewis Gillingham, Advisory Panel Chair  
(Coastal Sharks)

Greg Skomal, Technical Committee Chair

### Staff

Vince O'Shea  
Brad Spear

Christopher Vonderweidt

### Guests

The Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Presidential Ballroom of the Crowne Plaza Hotel Old Town, Alexandria, Virginia, February 2, 2010, and was called to order at 3:50 o'clock p.m. by Chairman Louis Daniel.

### **CALL TO ORDER**

CHAIRMAN LOUIS DANIEL: All right, I will call the Spiny Dogfish and Coastal Shark Board meeting to order. You should have all of your meeting materials in front of you. I know everyone has reviewed the minutes and checked over the agenda to see what we're doing in here this afternoon.

### **APPROVAL OF AGENDA AND PROCEEDINGS**

CHAIRMAN LOUIS DANIEL: Are there any changes to our agenda for today? Has everyone had a chance to look over and concur with our meeting proceedings from November 9<sup>th</sup> at the annual meeting? Without objection, the agenda and the proceedings are approved. At this time I will take public comment on any item that is not on our agenda. Sean.

### **PUBLIC COMMENT**

MR. SEAN McKEON: Sean McKeon, North Carolina Fisheries Association. I have a couple of quick comments. When I find myself agreeing with Pat Augustine, I realize I've probably been in this room too long today, but I agreed with Pat Augustine a lot today, some of the things he said. One of them, I don't have a verbatim copy of what he said, but he said something to the effect of you're moving with these regulations that effect our constituents, squeeze a decision with data that is either flawed, lacking or incomplete and it's not the way go. I certainly agree with that.

I wanted to mention that I think we're doing something very similar here and moving along with shark management plans and shark management schemes. I'm particularly concerned about the 5 percent rule that has been around here, most especially on smooth dogfish,

but I think on all sharks. I think the jury is not out any longer. That number is incorrect.

In fact, 5 percent is even incorrect under federal laws. It think it is 5.1 or 5.2; it is a little higher than 5 as we found out when we went before a judge recently. That 5 percent rule, I think now that fins have to be naturally attached to the carcasses, it is a moot point. I mean what difference does it make what the ratio is if the fins are naturally attached, and I'm excluding from the conversation – totally excluding smooth dogs on this. That is a different and separate issue.

It seems to me that there are really only two options. One is that 5 percent should just be eliminated. It makes no sense now that all the fins have to be attached. It is a nightmare to try to figure out what the percentages are after they come in. I think it should be eliminated. If not, then it should be species by species. There are shark species that have fin-to-carcass ratios that, like smooths, that are 12 percent, 14 percent. There are some that are 1 or 2 percent.

I think each species should have a range, and that work needs to be done before we go forward. What we do now is we make fishermen who are doing exactly what they're supposed to do, we make them break the law if they come in and that ratio is over. Even if they're naturally attached, that ratio is over.

I think that we've seen in our state – we have a case right now where a fellow has been charged \$180,000 for 18 different times where his fin-to-carcass ratio was above 5 percent. Those law enforcement folks had told those fishermen that as long as your fins match your carcasses, you're fine, and, of course, no one came to the docks and saw him. It was when they reported themselves what they actually had.

After they had brought everything in and reported the document they were supposed to, four years later they come and they're hit with 18 charges of \$10,000 apiece. I just think that we need to be consistent, and I think the 5 percent rule should really be seriously looked before we move forward with some of these measures that are going to actually codify it in more strict terms I think that is something that is a concern, and I just wanted to bring that up. Thank you.

CHAIRMAN DANIEL: Thank you, Sean. Any other comments from the public? Seeing none, I am going to use the chairman's prerogative here for just one second. I don't know many of you knew my old major professor, John Ulney, but we lost John to a battle of cancer a couple of weeks. He was a great guy, great Virginian, and he was a big help to this commission particularly with his work with shad and river herring. As one of his students I wanted to take the opportunity to let you know that and to have just a moment of silence for John Ulney.

(Moment of silence)

CHAIRMAN DANIEL: Thank you very much; I'll miss him. With that, Dr. Skomal, if you would take us through the coastal shark specifications.

### **2010 COASTAL SHARK SPECIFICATIONS**

DR. GREGORY SKOMAL: This is very straightforward with regard to our technical committee meeting we had last month. As per the requirements of the FMP, the technical committee meets once a year to set possession limits for each of the species groups and smooth dogfish. In this case we're only required to look really at large coastal species group, and we recommend consistency with the federal proposed limit of 33 fish for the 2010 fishing season for large coastals. That was recommended by the technical committee for the board to approve, and we didn't consider at that time any other possession limits for the other species groups. That is really it.

CHAIRMAN DANIEL: So if everyone understands, where we are right now is pelagic sharks opens like around January 4<sup>th</sup> – held me, Karyl, if I misstate something here – and large coastals will open July the 15<sup>th</sup>, which should provide a lot more opportunities along the east coast, so we appreciate that move by the National Marine Fisheries Service. Sometime in May, maybe June, when Amendment 3 is done, we'll get the specifications on small coastals.

That is probably going to have an impact on us, but we'll wait and see how that goes. **What we need is a motion to approve the specifications for the large coastal sharks for 2010. So moved by Mr. Augustine; seconded by Mr.**

**Himchak. Is there any further discussion on that motion, or is there any discussion on the motion at all? Seeing none, is there any objection to the motion? Seeing no objection, the motion carries.** The next item on our agenda is to review state implementation of coastal shark regulations.

### **REVIEW OF STATE IMPLEMENTATION OF COASTAL SHARK REGULATIONS**

MR. CHRISTOPHER VONDERWEIDT: I am going to go over where states are right now of the Interstate Fisheries Management Plan for Atlantic Coastal Sharks. Just to give you an idea of what the fishery is, in 2009 the research fishery landed 37 metric tons; the sandbar research fishery, 70.5 metric tons; non-sandbar LCS, 203 metric tons; SCS, 285 metric tons; blue sharks, 2.2 metric tons; porbeagles, 106; and pelagics were 94.9 metric tons.

This is a review of the entire plan review team. Greg Skomal is a member and also Tina Moore from the state of North Carolina. We sent a reminder memo to states asking them to submit their regulations by December 11, 2009, with the goal of having a report for the board that would be available on the CD.

In the middle there, the board, three meetings ago, made a motion that states that have not implemented regulations consistent with the FMP for coastal sharks by the ASMFC Winter Meeting in 2010 will be found out of compliance. Our goal was to meet that deadline. The reports that I'm going to give today does not follow the PRT summary which is on the CD because states are currently updating their regulations and new information has become available for some of these states. That's the reason for any discrepancies.

The way this is broken down is the idea is to go from being most compliant to being less or not compliant at all, so it's in five different categories. You could probably make a case that two and three could be turned around, but it is just a general idea. The first category is states that meet or exceed all requirements. They have all the regulations in place that are required of the FMP.

Number two is delayed implementation on all the regulations, but they have a concrete implementation date and kind of a short timeline of when they're going to be able to implement these. They have taken the steps and they're hoping to be compliant real soon. Number three is have implemented most of the regulations. They've submitted proposals.

I think there is one state that actually recognized a few deficiencies or a few deficient areas, and they have noted that they're going through rulemaking right now, but there are a couple of other states that didn't have all the regulations in place. There are a couple of things that are just oversights or whatever, and they have taken steps to correct that and implement the regulations. Their intent is to be compliant on all regulations.

Number four is compliant on all the regulations except for one, but they do not plan to implement the requirements. I'll get into that in some more detail, including technical committee review. Then number five is uncertain implementation date. We've had discussions of staff and directors and everything, and it seems like the best format would be that I'm going to present all the states within each category, and then we'll go through with questions and just try and get an idea of where all the states lie to put everything in perspective.

Then we'll go through the different categories, one through five, and then take motions at that time. Until we go back, I would ask that you would just ask questions and hold off on making any motions. Again, some of this information is going to be more current than what was on the report, so it might be a little bit different.

States that meet or exceed all the requirements of the fishery's management plan is New Hampshire. They have submitted a de minimis proposal, which was preemptively approved by the board two meetings ago. They had this in place January 1, 2010. Rhode Island implemented all their requirements December 11, 2009.

Maryland, they were actually the first state to get regulations in place, and they were compliant March 19, 2009, so they almost made the original implementation date of January 1. North Carolina, on December 19<sup>th</sup> they had all regulations in place by then. They had a bunch

of these regulations in place prior to then, but all the I's were dotted and T's were crossed by December 19<sup>th</sup>. South Carolina was prior to the plan review team meeting was the language that they used, but they meet or exceed all requirements of the FMP.

The second category, delayed implementation with a concrete implementation data or a short timeline, Maine had the identical de minimis proposal preemptively approved by the board two meetings ago, August 20, 2009. The DMR Advisory Council will vote on these regulations February 17<sup>th</sup>. Contingent the council having a quorum, they should be able to implement the regulations by February 22<sup>nd</sup> this month. Just as an FYI, sharks migrate to Maine in June and July, and they don't have much of a fishery.

Connecticut has taken sort of a different route. They're in delayed regulation implementation, but what they're doing is kind of a self-moratorium on all relevant shark fisheries that they don't have regulations in place for. I have been talking with Dave Simpson, and right now they have a small coastal shark – and this has transpired over the last week, so a lot of this information is new and even as of this morning, but there is a moratorium on harvesting of smooth dogfish for the commercial and recreational fishery; non-sandbar or large coastals commercially; small coastals commercially. Then I think we're working on getting the other regulations, and so I think it is an early February deadline, but I think they're taking the steps to try and get those in place, I'm not sure.

MR. DAVID SIMPSON: As you were speaking, I got an e-mail of our announcement that we have closed the sandbar shark loophole. That the paper working on it, real time.

MR. VONDERWEIDT: Thank you. The next category is have implemented most of the regulations and they plan to implement a couple of remaining ones. Massachusetts, they're missing dealer permits. It is a requirement to have dealer permits for all – federal dealer permits are required of all dealers.

The plan review team, if you remember, asked Maine and New Hampshire, who don't really have a fishery, to implement this regulation feeling that it was important for identification and also for timely quota monitoring.

Massachusetts has taken steps to implement, and the last time we heard from Massachusetts it was summer of 2010, so I'm not sure if there is any more information than that, but everything except for dealer permits.

New York, spring 2010, and we didn't get anything from New York for the deadline, but in talking to New York State staff, I learned that they mirror federal regulations, which pretty much covers everything except for the smooth dogfish regulations, and so that is I guess why it was a low priority or they didn't try to meet the December 11<sup>th</sup> timeline.

Right now they have regulations that are consistent with the FMP for all species except for smooth dogfish, and up there are the listed regulations that pertain to smooth dogfish. There is no quota or a possession limit for smooth dogfish right now, that the board has not set a quota for these species. Sharks will migrate to New York in May/June.

MR. JAMES GILMORE: Just for an update, Chris, we've submitted the regulatory package that would essentially complete them all, which – now is the part where it is tough to get a date on. It takes us about four months to make a normal rulemaking. It is in the process and we should make it by May. It could be sooner.

The other thing, just for your information, what we did – because part of the delay was we had to do shad and winter flounder, and we get so many chits at one time, what we did with this one, it is an omnibus package. It actually has six regulations that include weakfish, lobsters, a whole bunch of stuff in there, so it is all in one shot, so hopefully maybe this will get us caught up, but it should be in place by May.

MR. VONDERWEIDT: That last bullet point, sharks migrate to New York around May/June, so that implementation looks like it would be just in time. Again, it is only smooth dogfish that they don't currently cover. Delaware initially submitted a de minimis proposal, which they have rescinded. They meet or exceed all requirements of the FMP except for the dealer permit requirement.

They were also missing authorized recreational gear, which I believed they allowed harpoons as an authorized gear, and that is not specifically listed as authorized gear in the FMP. The FMP

is rod and reel and handline only. The PRT reviewed the regulations and the dealer permits, like I said before, we feel are necessary to achieve the full conservation value and the goals of the FMP. We didn't think that it was necessary to change the regulations about harpoons.

I have spoken with staff at Delaware Bay and they plan to implement both of these regulations. I'm not sure what the timeline is. Just as a reminder, Delaware Bay is one of the most important sandbar nursing grounds, and sharks will migrate to Delaware in May. One of the main species, probably the main driver species of the FMP are sandbar sharks.

Moving forward to Virginia, they acknowledged that they were missing these components of the FMP when they submitted their regulation package. Their current recreational regulations allow filleting of smooth dogfish for recreational anglers, which is not consistent with 4.2.3 landings' requirement. It does not explicitly prohibit sandbar without a research permit, and it does not require aquariums to provide annual updates of sharks throughout the life of the sharks.

I have spoken with Louis, who is chair of the advisory panel, and they're adjusting the regulations and hope to meet or exceed these requirements by February of 2010, or at least they were the last time I spoke with them. Georgia meet or exceed all requirements of the FMP except for 4.2.5, authorized recreational gear, and also 4.3.8.3, which are the dealer permits.

They included a letter with their regulations acknowledging the ambiguity in certain regulations that didn't cover 4.2.5 and 4.3.8.3, but they hope to include these by July 1, 2010. I would just like to point out that the report from the PRT says May 1, but I believe July 1 is the correct date now. Also, Georgia does not have much of a commercial fishery. The commercial possession limits are the same as the same as the recreational limits, which is very restricted, one per vessel or one per angler.

Category number four is compliant on all but one, and they do not plan to implement the remaining regulation. This is the state of Florida. What they're missing is the 54-inch minimum size limit for all non-small coastal



shark species. There are four species that are exempt from this, but blacktip sharks are included as a large coastal species.

The requirement is that they must be 54 inches long for recreational anglers. There is no indication that Florida plans to implement these regulations. They do exceed the plan in several areas. Remember, our jurisdiction is on the Atlantic side, but Florida also has a Gulf of Mexico side, so they have actually implemented these regulations on both side of their state.

They also have a very restrictive commercial possession of one shark per angler and two sharks per vessel, which is much less than 33 large coastal sharks. The plan review team, being that we only have three members, we were kind of unable to evaluate what the potential impact of exempting the 54-inch minimum size limit for a blacktip shark might be, so we asked the technical committee, who was holding a conference call later that day, because they have members with greater scientific expertise, and it also includes a member from the state of Florida, who was on the call.

We threw the question to them, which is standard practice for a conservation equivalency type proposal. The technical committee did not endorse the exemption. They felt that it could allow significant harvest of juveniles in the Florida bays and estuaries. Blacktip sharks in the Atlantic and the South Atlantic, their stock status is unknown, and so they felt that the conservation benefit of the Gulf of Mexico side implementation and the commercial possession limit doesn't necessarily warrant an exemption from the blacktip size limit, to allow the potential harvest of juveniles in the bays. Is there anything that you would like to add on that, Greg.

DR. SKOMAL: No, I think you have covered it. The technical committee addressed this with very little ability to prep for it, and there are a lot of question marks with regard to what the impacts may be. We don't have good estimates of catch at size from the recreational fishery in Florida.

There was a general feeling that since we don't have a good stock assessment model and a sense of what impact this could have on the stock to be more precautionary and not to recommend that Florida be allowed to go forth without a size

limit of 54 inches for blacktip. Some of the other southern states that do encounter blacktips basically acknowledge the fact that they had to give up blacktips because they don't get the large ones in state waters; and, hence, Florida should comply as well. That was the general consensus from the technical committee.

MR. PATRICK AUGUSTINE: Did Florida suggest or talk to the HMS people to determine how they're going to address the requirement for having a minimum size? I guess we would have to ask HMS folks if Florida has also told them they're not going to change the minimum size on it. If not, then I think we have no choice but to find them out of compliance on that species.

CHAIRMAN DANIEL: Well, if Florida elects to not implement the minimum size limit in state waters, the HMS crowd wouldn't really have a whole lot – I mean, they would object. I would HMS would object, but it wouldn't affect – the regulations in federal waters would still be in place, right Karyl.

MS. KARYL BREWSTER-GEISZ: Yes.

MR. VONDERWEIDT: Okay, that leaves one state, which is New Jersey. They're Category Number Five of an uncertain timeline. They did submit a regulations' package way back when to try and meet the original deadline, which meet or exceed all requirements of the FMP. However, the governor-elect has put a 90-day hold on all new regulations, which will require a 60-day comment period after publication in the New Jersey Register. I see that Pete has got his hand up; he can say this just as good as me.

MR. PETER HIMCHAK: Yes, to get to the case here, I'll recite what I said at the annual meeting in Newport. We may be looking for some leverage from the board to get our regulations moved and adopted in 2010. Whatever the board elects to do, you won't get any argument out of me.

CHAIRMAN DANIEL: We're going to hold off on any motions.

MR. VONDERWEIDT: I think that pretty much sums up New Jersey. Just some general comments from the plan review team; dealer permits are very important to quota monitoring and identification. As a reminder, the federal dealers have to attend an identification

workshop. That is one of the key issues of enforcement of shark is the identification, so it greatly aids with the ID and also streamlines quota monitoring.

While some states use the SAFIS data base, which all states will pull from, it just streamlines it for the landings to go directly to them. It is a regulation that we feel is very important. Also, concerning the possession limits that states have implemented, there is kind of two popular ways that states set the regulations to comply with this, and one was to just simply set a 33 possession limit for large coastal shark species.

In some states this is going to go back out to public hearing in order to change that, so it might not be able to be done quickly. The other one is that it defaults to what the federal possession limits are. In the case that the ASFMC would set a lower possession limit for a species or species group, there is a potential there to conflict to have a higher possession limit than what the other states have, and this would again require regulations to change.

While this meets the requirements of the current possession limit, having a mechanism for this similar to spiny dogfish is kind of the intent of the plan, so kind of as a heads up that this might be an issue in the future. During the technical committee conference call, this was discussed amongst members, and we asked the Office of the HMS staff there or informed them that states are going to need as much lead time in order to change their limits as possible so try and give as much as possible.

Then the final note is something that we pretty much always say at these, and there are only two states on the plan review team. That is North Carolina and Massachusetts. Greater representation would help us to have more knowledge and more biologists, and we would ask that if you can spare staff to put them on the plan review team, that would be helpful.

I guess now if there are no questions we can go back up to the first few slides and consider making some motions. There are no motions necessary for category number one because these states meet or exceed all the requirements. The first state in the second category would Maine, and they should have regulations consistent with their de minimis proposal in place by February 22<sup>nd</sup>.

MR. TERRY STOCKWELL: You're not looking for individual motions here, are you, or are you looking for a suite?

DR. DANIEL: Well, I would like to handle it by category unless there is objection.

MR. STOCKWELL: No, that is what I thought. **I would then make a motion that this category be approved.** We just heard David speak about what is going on in Connecticut. Our rulemaking process is completed. As Chris indicated, the advisory council votes on it in a couple of weeks. The date-certain time that he provided was that for when the implementation could actually begin.

DR. DANIEL: All right, let's do them individually then, so if you want to do Maine, that's cool.

MR. STOCKWELL: So moved.

DR. DANIEL: Motion by Terry Stockwell; second by Pat Augustine to approve Maine's – Bob.

MR. ROBERT E. BEAL: Is the motion that the board is comfortable with the timeline that Maine has in place and they're not going to initiate a non-compliance finding?

DR. DANIEL: That is my understanding.

MR. BEAL: I don't think you motion to do that I guess is where I'm going because essentially you're accepting what they've told you is their plan and you're ready to move.

DR. DANIEL: Well, could I ask there objection to either of these two being found in compliance; and then if there is objection, somebody would make a motion? Okay, anything else on Maine and Connecticut? Next is Massachusetts; any concerns, comments, questions about Massachusetts? Next is New York; concerns, comments or questions about New York?

Seeing none, next is Delaware; comments, comments or questions? Seeing none, next is Virginia; concerns, comments or questions? Seeing none, next is Georgia, the same question. Seeing none, next is Florida. Jessica.

MS. JESSICA McCRAWLEY: Florida would like to ask for a conservation equivalency.

We've had restrictive shark regulations in place for the past 20 years. We think that 54-inch minimum size limit seems somewhat arbitrary for blacktips because blacktip females do not mature until between 60 and 61 inches.

The average size of the blacktips that are taken in Florida state waters has been about 30 inches, and so implementing the size limit would essentially shut down our fishery in state waters. As was mentioned, Florida makes the commercial fishermen abide by the recreational regulations, so we're only allowing one fish per person, two maximum per vessel commercial; whereas other states commercially could be taking 33 blacktips of any size.

We're asking for a conservation equivalency based on the fact that we feel like we have more restrictive regulations than other areas, especially since the commercial folks would only be able to take the two per vessel whereas in other states they could take up to 33 of any size because other states have not implemented the 54-inch minimum size for recreational, and we have implemented the size limit for both commercial and recreational harvest on both coasts.

MR. G. RITCHIE WHITE: I believe the next step would be for that to go to the technical committee to see if it is conservation equivalent.

DR. DANIEL: Did you not already talk about that? Okay, no analysis done. Can you bring forward some analysis to provide to the technical committee with that request for conservation equivalency?

MS. McCAWLEY: Yes, we can do that. What is the deadline for turning that in?

MR. BEAL: Well, if the board wanted to finally approve this conservation equivalency proposal at the May meeting, if Florida were to submit the proposal in maybe a month or so, that will give the technical committee a couple of weeks to look at it, have a conference call and write up a report for the May meeting. I don't know if a month is doable for Florida or not.

MS. McCAWLEY: Yes, we're fine with a month.

DR. DANIEL: Okay, anything else on Florida? Basically, we just have the size limit problem with blacktips at the present. Robert.

MR. ROBERT H. BOYLES, JR.: At great peril of speaking just a word of caution, we implemented this plan – by May it will be two years. It just seems to be an awful long time to get things going.

DR. DANIEL: That would be a concern. Anything else on Florida? Okay, next, New Jersey. Any questions, comments or concerns about New Jersey? Mr. Miller.

MR. ROY MILLER: **I move that we recommend to the ISFMP Policy Board that New Jersey be found out of compliance with the coastal shark provisions of the Coastal Shark and Spiny Dogfish Plan.**

DR. DANIEL: Motion by Mr. Miller; second by Pat Augustine to find New Jersey out of compliance with the provisions of the Coastal Shark FMP. Bob.

MR. BEAL: This is a process thing. Since this is a non-compliance motion, there are a number of details that we need to include to move it forward through the policy board and the business session and supply what the Secretaries of Commerce and Interior would need to move forward. We have drafted a motion that will achieve all those details in anticipation of something like this going on. I think the details that are included here will cover everything you need. We just probably need it read into the record. It is consistent with what Mr. Miller started and Mr. Augustine seconded.

DR. DANIEL: All right, did everybody understand Mr. Beal and has everybody had a chance to read the motion on the table? Pete.

MR. HIMCHAK: I'm not by any means speaking against the motion, but what I would like the board to recognize is that our regulations as proposed meet or exceed all the requirements of the plan and also that the Marine Fisheries Administration and the New Jersey Marine Fisheries Council has repeatedly informed the department about the timelines, non-compliance, the need to move regulations. Again, the agency and the council were not negligent in getting things prepared. We just can't get the regulatory package moving. That's all I wanted for the record, but I'm not arguing against the motion.

DR. DANIEL: All right, anything else? I'm going to read the motion. **Move that the Spiny**

**Dogfish and Coastal Sharks Management Board recommend to the ISFMP Policy Board that the state of New Jersey be found out of compliance for not fully and effectively implementing and enforcing the Interstate Fishery Management Plan for Atlantic Coastal Sharks. New Jersey has not implemented the regulations of the Interstate FMP for Atlantic Coastal Sharks. The implementation of those regulations is necessary to achieve the conservation goals and objectives of the FMP to rebuild depleted shark species and ensure sustainable harvest of others. In order to come back into compliance, the state of New Jersey must implement all measures contained in the Interstate FMP for Atlantic Coastal Sharks.**

Is there any further discussion on the motion? Is there any need to caucus? All in favor; all those opposed same sign; null votes; abstentions, two abstentions. **Fourteen to nothing to two, the motion carried.** All right, I think that takes us through the business of compliance with the fishery management plans.

It looks like we're making reasonable progress getting everything in place. It is not quite as quick as we would like, but they live a long time so we've got time. All right, Brad, if you could give us an update on the Shark Conservation Act and where we are with that piece of legislation.

#### **UPDATE ON THE SHARK CONSERVATION ACT**

MR. BRADDOCK SPEAR: On the screen is summary of the Shark Conservation Act. It was introduced into congress in 2009. The provisions that I'll summarize are the ones that amend the Magnuson-Stevens Act. The Act prohibits removal of fins at sea, having the fins on board the vessel unless they're naturally attached, transferring the fins between boats and landing a fin that is not naturally attached.

Another provision in the bill that was introduced is after landing the weight of fins may not exceed 5 percent of the carcass weight. To go through the process, there were complimentary bills introduced into both the House and the Senate last year. The House Bill passed through the House. Currently the Senate Bill has passed through the Senate Commerce Committee. It was marked up and a substitute bill and a

committee report were then submitted to the full senate.

I have been told that the bill is likely to be voted on at some point, but the timing is uncertain. Also a note, the substitute bill and committee report that came out of the Commerce Committee is not yet available, so I don't know the content of the changes.

CHAIRMAN DANIEL: Any questions for Brad? Mr. Adler.

MR. WILLIAM A. ADLER: Brad, I remember that wasn't this the thing that the Mid-Atlantic fishermen had a big problem with because of the finning thing and did you hear anything from them?

MR. SPEAR: I don't know the impetus for the bill or the history of people's views. I haven't heard their position on it.

CHAIRMAN DANIEL: There has been a lot of effort, Bill, to try to get some exemptions in this bill to exclude smooth dogfish. Whether or not that is included in the markup, I don't know. There has also been a lot of discussion and a lot of data going back and forth showing that the 95 to 5 ratio has some problems in it. There is some slop there that is really not being taken into account. Five percent is the bare minimum.

In many of the shark species that we are dealing with, we're looking at 6 or 7 percent. What doesn't make sense I think to a lot of the folks is why, if you've got all those provisions in there, that you have to land the shark with all their fins attached, why there is a 95/5 ratio required. It is just going to be a matter of how you fin the sharks. I don't know how you would fin a shark if you can't fin them. It is an interesting problem, but I'm sure there will be more to come on that as we proceed. Red.

MR. RED MUNDEN: Mike Johnson had to leave early. He was concerned for the weather. He designated me as his proxy. He actually asked me to bring the issue forward that Dr. Daniel has just mentioned, the fact that the 5 percent fin-to-carcass ratio is inconsistent with what we've found in North Carolina. It can range up to 7 percent for the coastal sharks.

Of greater concern to the state of North Carolina and our fishermen is that smooth dogfish fin-to-

carcass ratio can range between 10 and 13 percent. Commission Johnson wanted me to be sure and bring that before the board.

### **2010/2011 SPINY DOGFISH SPECIFICATIONS**

CHAIRMAN DANIEL: Is there anything else on Brad's report on the Shark Conservation Act? Seeing none, we will go into the final item on our agenda, the 2010/2011 spiny dogfish specifications. Mr. Rago is here to give us an update on the SSB.

DR. PAUL RAGO: Mr. Chairman, it is a pleasure to be here today. It is good to see some old friends and so forth. It is also fitting and appropriate that I'm here on Groundhog Day because I do feel like I've been here before talking about this subject many times, so it is a pleasure to be here.

### **NEFSC SPAWNING STOCK BIOMASS UPDATE**

What I would like to do today is to give you an update about spiny dogfish and the stock status report. This report is on Page 241 to 274 of your briefing booklet, so I'm sure you have all read it in detail as well. What I would like to do is to give you as briefly as I can an overview of the assessment of the spiny dogfish in 2009, both with respect to landings and discards and also an important aspect of this assessment and future assessments, which is the calibration between the Albatross and the Bigelow, our new research vessel; do the usual things about estimates of biomass and fishing mortality and the current biological reference points and some aspects of the projections and uncertainty; and then finally give you an overview or an update on what happened last week, through January 25-29 in Woods Hole as part of the Transboundary Resource Assessment Committee.

Assuming that perhaps the room might empty out before I get done, I want to give a quick overview of a service status summary. The first is that dogfish remains at high levels, and that has been consistent for the last four years. Many of the fishermen will say thank you very much, Sherlock, that is a good observation.

There is also strong evidence of recruitment in 2009. One of the key aspects of this fishery is

that it is a large discard component, and those discards constitute in their totality an amount equal to the overall landings of the resource. One of the consequences of the intense fishery that took place in the 1990's is a change in the size composition of the resource, particularly the female component of that.

Now, that has important implications for contemporary rates of harvest but also for future ones, and so I'll try to highlight that aspect in terms of its consequences. These populations are expected to oscillate. Basically, it is equivalent to the consequences of having a strong year class in the population or an absence of recruitment for several years. These create deficits that have to be repaid, and so we expect to see that in an animal that is very long lived such as this.

Then, finally, I want to talk about probably one of the most controversial aspects of spiny dogfish management, which, of course, is the biological reference points and our plans for Plan B on this resource. Very briefly, this resource has undergone two periods of intense exploitation; the first being a distant water fleet primarily from '65 to '75.

Following the Magnuson Act and the 200-mile limits, the foreign fisheries diminished but it was subsequent followed by a very intense inshore female-focused, large dogfish fishery. Then the final stanza was the shift under the management measures of the Mid-Atlantic Council and the ASMFC to shift it to a discard-only fishery.

The response of the population has been dramatic, and I think it constitutes the basis for a very solid future fishery of this, and I think it is a matter of sort of getting out of the box, so to speak, which we will talk about a little bit. The next slide basically just shows the overall pattern of total dead discards in the resource, and those have declined quite markedly. Much of that decline is associated with reductions in groundfish fishing in the Gulf of Maine, Georges Bank and Southern New England.

It still remains on the order of about 5,000 metric tons, a small fraction of the overall resource, but still a sizable component equal to the overall pattern of landings. The discard mortality, unlike most fisheries, we don't assume that all the dogfish die. Most fishermen and research scientists will confirm that they're pretty hardy

animals; and if they're caught in smaller sizes or after short sets, a large fraction of them survives.

Roger Rulifson and the state of North Carolina has been instrumental in providing some background information on gill net survival rates, and a very high fraction of those survive. In the hook-and-line fisheries, John Mandelman and others have show high survival rates for hook-caught fish. There are a variety of things, but these are sources of uncertainty associated with trying to characterize the dynamics of this resource.

There are more details on this on Page 258 of your briefing document. One of the things that has changed over time is the sort of the ratio of discards to landings. This just kind gives you some idea of sort of that overall ratio in terms of total discards. It is still about two to one. Discards may be called an unnecessary evil, but it is also an evil, so it is something you want to try to remove as part of a future management plan.

You can clearly see on the right-hand side the trend in the discarding and its relationship to landings as a result of the management measures. You've seen this picture before. This is updated with respect to the most recent information in the surveys. On the left-hand side is the size frequency composition for the females; on the right-hand side, the size composition for males.

The effect of the fishery was to truncate the size composition on the right-hand side, shrinking the average size of reproductive females to very low levels; followed and coincident with sort of an absence of pup production. Those are the ones on the left-hand side of each group. One of the things that didn't happen to the male population is that they weren't fished, so the consequence of that were some very high sex ratios for a time.

That seems to be coming back into balance and so forth. Another hopeful sign of the resource, if you look at that lower left-hand corner or the bottom row of this graphic, there has been some fairly strong recruitment that occurred in the last year. It has been building and in 2009 it was quite strong.

The next slide has the recruitment dynamic there, and the graph on the very far right, the histogram bar on the far right is the recruitment of juvenile dogfish in the 2009 survey. One might ask,

okay, well, you changed vessels that year, right, so is that simply an artifact of having more efficient high-rise nets and so forth?

We took a look at with respect to the calibration experiment that was done in 2008. In this one you have the size frequency distribution of the Bigelow and the Albatross. The Bigelow is the top Panel A and C. The Albatross is the bottom panel that is B and D. The males are blue and the females red.

Essentially, they caught exactly the same signature in terms of the size composition, so that gives us some expectation that what saw in 2009 in terms of increased recruitment was not a vessel effect but in fact an increase in spiny dogfish recruitment to the population. Again, that augers well for long-term dynamics.

These are sort of updated curves with respect to population trends. Again, the salient features of these two figures – and these are also in the report – are that the female dogfish, the upper left-hand panel there, declined during the period of the intense fishery, has rebounded subsequent to the cessation of fishing, and is now back at moderately to reasonably high levels.

The immature female stock – that is the 79 centimeter and less group – has peaked in about 1994 and has been declining since then. Much of that is growth into the adult spawning stock there, so both growth and the absence of recruits is also driving that sub-adult population. You're seeing kind of a slow dynamic going on here where the low recruitment in nineties is playing into what we're seeing in terms of the sub-adults of spiny dogfish.

That pattern is important not only for the long-term changes in the resource but also with respect to the harvestable component of that resource. The next slide is the male, and the only relevant factor here is that bottom right one, is that the males have been steadily increasing over time, so they have not been seriously influenced by either the fishery or other aspects.

This is the sex ratio. This is sort of the general pattern. It should be about two to one based on mature – because of the size and age at which males mature. They mature before the females, about six or seven years before the females. At any rate, this is kind of an unhealthy aspect of populations to have too many males, so that is

sort of the pattern, but it does also seem to be coming back to a more normal sort of situation.

Throughout the course of this assessment, we have tried to make the process and the data sort of expressed in readily comprehensible terms. Much like striped bass – its status was expressed in terms of a three-year average of the Maryland Juvenile Index – we have tried to sort of have that same kind of capability in terms of expressing what is going on with the resource and so forth.

We've had these sort of regularly produced tables which summarize the status of the resource in terms of just raw survey units raised to some nominal value. That three-year average incorporates some of the variation between years and so forth, but it doesn't really take into account all of the uncertainty associated with that three-year average, and so we expand upon that aspect by taking into account the variations not only between years but also with respect to the size of the survey footprint and the mix of gears that result in estimates of total removals and discarding.

Suffice it to say is what we're trying to do is trying to capture some additional information about the uncertainty. That is what we call the stochastic estimates of biomass, and that is the next slide. That is the one that I was thinking about. It has the estimates of survey design variability, the measurement error in terms of variations in footprints, and also finally, most recently, the calibration variance.

You can all read faster than I can speak so I'll try to move through these more quickly. The other piece is that – and this is an important one – the mean stochastic biomass of females in 2009 is 163,000 metric tons. It is a slight decline from 194,000, from the estimate in the 2006 to 2008 data, but again well above the 2007 value, so it does reflect the steady increase.

The target associated with this – and this is an ASMFC target as part of the plan – is 167,800 metric tons, so the current estimate of biomass is just slightly below what that long-term target is. The uncertainty, in taking a look at this – and I will show you a graphic on this – is that there is about a 99 percent chance that it is above the threshold value of 84,000 metric tons, and the probability that it is above the target, so to speak,

is about 43 percent, so it is certainly in the rebuilt category.

The overall total biomass-based males and females, juveniles, and mature animals are about 500,000 metric tons. Now, what you can harvest from this and so forth depends on estimates of the average selectivity and some other aspects, which I'll get into, and there is more exploitable male dogfish than females at this point. This is just a graphical depiction of that. The green vertical line and the blue vertical line represent the threshold biomass and the target biomass. The red line of the hump there represents the distribution of estimates that we think are reasonably credible, so it is basically from 100,000 to 250,000 metric tons with a modal value of about 163,000, somewhere in that range, so a lot of dogfish.

That is sort of an expression of the scientific uncertainty associated with the stock status. The next slide is the uncertainty associated with the fishing mortality rate on this resource. It is on the order of about 0.1 as modal value, but it is skewed. It could be higher, but that is, again, sort of a rough estimate.

The reference point in terms of fishing mortality on this resource is 0.39. Now, immediately you should question, well, how did he get that, why is so high for an animal that lives so long and so forth? The reason is that the fishing mortality in most recent years has been focused on a very small fraction of the resource. It is at a very high average size.

Like most fisheries, if you delay the force of mortality to the oldest age classes, you can generally fish them very high. If you fish them as two-year-old cod, you have to fish an average  $F$  that is much lower than if you wait until they're nine or ten years old. If you can restrict fishing mortality to the largest size classes, you can generally fish much higher. That is the simple explanation as to why the reference point is at 0.39.

Okay, one of the things, as part of this updating process and as part of the committees within the ASMFC and the Mid-Atlantic Council, has been to look at the consequences of alternative strategies. The status quo and Rebuild are on the order of 0.12 or 0.11, basically where we are right now. Rebuild is a bit of a problem, which

we will talk about, rebuild to what in terms of the federal plan? Then there are the targets.

Now, because of the size composition of the resource and the sex composition of the resource, the consequences of taking dogfish out in the short term are almost indistinguishable. Whether you take 10,000 pounds or you take 50,000 pounds out, it has relatively little impact on next year's population size.

It has a very large impact on what happens down the road, and so let's show a little bit about what that is. The two values on the left-hand side represent the expected distribution of catch associated with fishing in 2010 near Frebuild or F status quo. They're centered on about a 10,000 metric ton harvest rate, which is fairly – well, which is what was discussed at the Mid-Atlantic Council as part of the federal plan.

The sort of light green abundance there is fishing at the target F, which is in this context 0.284, and then the threshold, which is sort of the upper limit, is at about 30,000 metric tons. If you look at the consequences of that for the projected stock sizes in 2010, you see quite a range in terms of the magnitude of harvest.

The next slide shows the consequences for where we are next year. What all of them show is that the population is expected to be above the 163,000 metric tons next year on the basis of this projection. If you take a lot out, you're going to push it into these two curves here. If you take a little out, like 10,000 tons, you'll be on the right-hand side here; so, again, not a big difference.

What does make a difference is if that occurs multiple years. I have two quick graphics. One is to the fishing mortality under the Frebuild scenario. The top panel is the spawning stock biomass. The middle panel is the catch, discards and landings. The bottom panel is sort of the fraction of the total biomass expected. Those are expected to oscillate over time. Again, it is through the payback for the birth dearth during the 1997 to 2003 period there, and you would expect an increase.

Now, these are useful in the context, not that they're precise calculations for the 20-year time horizon, but they are sort of indicative of sort of I think the basic premise that the future is pregnant with the present and that the dynamics of this resource with respect to its size structure has

important implications for what will happen to it over the next several years.

The next slide shows the consequence of fishing at a much higher level. Basically, it rapidly moves the population downward. You can see that the magnitude of the oscillation in the size frequency is a much wider range there, and that it is sort of like when you win at solitaire, how the cards look, it bounces over time.

The next one is last week we spent the entire week working with the Canadians on a joint assessment. I know from a personal standpoint as well as I think from an organizational standpoint we have a huge disappointment in that we did not arrive at sort of an agreement on the models or, more importantly, for the reference points which are a product of the agreement on the models.

The idea was to improve on the current basis by having a more realistic model that includes a spatial structure of two different interacting stocks, differences in size and sex with respect to growth and maturity. Looking at multiple fleets, the U.S. and Canada, there are major differences in the harvesting patterns by Canada. Notably, they have more of a male component in their removals; then, of course, looking at a broader range of surveys to describe it.

We had a very strong panel. One was Vince Gallucci, who has written the book on spiny dogfish literally -- it just came out with American Fishery Society. It is kind of a world-wide review of spiny dogfish – Morris Clarke, who is from Ireland, who is the Chair of the ICES Elasmobranchs Assessment Committee; Tom Miller, who is the SSC member from the Mid-Atlantic Council; and then Bob Mohn from Canada as the assessment scientist.

One of the problems in terms of inability to sort of reach conclusions was that there are some major gaps that we work around in terms of assessing this resource. One of them is the assumptions about discard rates before 1989. We didn't have a formal program then, so we have to make some assumptions there. These gaps are filled in with assumptions.

The size and sex composition of the landings by the foreign fleets is largely unknown. We assume, because of where it was located and sort of what they were doing with it, that it was



basically an unselective fishery, that they simply caught what they could, blocked it up and shipped it back to Eastern Europe and the Soviet Union, but there is no hard data on that, so that is a major unknown.

As a result of this sort of failure to agree on it, there was kind of a two-pronged approach. One is that we would attempt to work more intensively with the Canadians over the next six to eight months to try to get a reasonable working model between both countries and so forth. That, of course, delays the decisions that you need to make for yet another year or so.

In retrospect, we at the Center have said this is not an acceptable outcome, so what we are proposing to do is to use the current group of reviewers and try and see if we can work out some sort of plan that is short term in nature that focuses on the biological reference points and attempts to resolve the sort of critical element associated with federal and state management of this resource, which is in fact to develop a biomass reference point that is realistic and scientifically credible.

That is our current plan. The meeting ended Friday afternoon so we're still trying to get the pieces together on this, but our intention is do that. By stating it publicly in a large group, it will put some pressure on us to absolutely make sure we get it done. That is basically the pieces. I've got about 80 slides, but I won't go through any of those.

CHAIRMAN DANIEL: Thank you, Paul. Questions for Paul. Dave.

MR. SIMPSON: Thanks, Paul, as usual a great presentation. I wonder if you could help me – this requires reaching beyond your dogfish charge, but half a billion tons of predator biomass for dogfish; could you help put that in context for me of other predator populations? I mean, that is about the same order as the herring stock size estimate, a major forage. If you could, put stock abundance in perspective.

DR. RAGO: In terms of the biomass of dogfish, I think certainly they are the biggest predator out there that we have a handle on. In terms of almost any groundfish-like species, that is certainly one of the biggest or if not the biggest. I venture to say it is the biggest. In terms of its impact, it is not as big as we might think; one

reason being that their metabolism – all the evidence suggests, the empirical evidence and studies suggest that their ration size is on the order of about a half percent per day as opposed to most other teleosts, which are on the order of about 2 to 3 percent per day.

If you look at a ten-year-old spiny dogfish and you compare to a ten-year-old striped bass, you need different axis to sort of show the growth. They're much larger. You're talking about an eight to ten kilo animal versus a three kilo animal or so. Its impact on other species is lower than you might expect based on its biomass alone.

That is not dismissing their importance by any stretch of the imagination. They are major predators on herring and mackerel. They have unknown impacts on things we don't care quite as much about, which are ctenophores, which are another big component of the resource. Then there is always the issue of what are the impacts on the resource in times and areas where we don't have regular sampling; that is, the inshore Gulf of Maine in the summertime where they definitely make their presence known.

We did, as part of this exercise was to look at the stomach contents over the entire time period. There are about 60,000 dogfish that were examined, and we will have results of those as part of the TRAC Report, which will give estimates of the expected magnitude on major groundfish as well as the other pelagic forage fish.

DR. DAVID PIERCE: Regarding the consumption rates and what the dogfish eat, Jason Link and others down at the Center, they have a publication that definitely indicates a strongly suggested – when there are concentrations of juvenile codfish, for example, in certain areas, they can be a profound impact on juvenile codfish. I had mentioned this before, when looking at that paper, it is a rather horrific consumption rate of juvenile codfish relative to the abundance of a particular year class.

I can't get that out of my mind, and I hope that kind of assessment information, interrelationship between groundfish and elasmobranchs, dogfish specifically continues to be part of the discussion down at the Center. Regarding the assessment that was attempted last week, is the assessment likely to be always based on swept-area biomass

or did the assessment group begin to investigate other ways of dealing with estimates of biomass?

DR. RAGO: The group did explore it and the assessment model is the one that is probably one of the most advanced in the world, which is stock synthesis which is a greatly improved kind of synthetic – as this name implies, a synthetic model for examining resource dynamics. Unfortunately, that complexity resulted in some kind of stalemates in terms of how we actually were able to advance.

The stability of those models was really kind of the issue that was a problem last week. As one example, we had some runs which were suggesting that the population was at about 20 percent of its Bmsy level. I thought, well, that doesn't seem quite right. That was a major stumbling block in terms of moving forward or accepting those types of models.

Clearly, it is indicative that we're missing something out of the resource in terms of structure or pattern. Until we can sort of figure out what that is or what the missing variable or set of variables is, I think we're going to be stuck, so to speak. Now, being stuck with a piece of gear that does seem to be terribly efficient at capturing dogfish is not too bad of a place as compared to some other stocks where we're stuck with a very low efficiency piece of gear.

DR. PIERCE: In speaking of gear, I'm very pleased to see that you've made progress regarding the determination of a calibration factor for dogfish, Bigelow versus Albatross. With that said, the Bigelow is unable to get into shallow strata, and I know the NEAMAP Survey is taking on greater importance for many of these stocks in terms of their assessment.

Do you see any problems for the spiny dogfish assessment with the Bigelow and it's not being able to get into the shallower depths? Specifically, how do we make comparisons with Albatross data in the past in shallower water versus the Bigelow that can't go there?

DR. RAGO: Right, it is a very good question. In the assessment, when we're focusing simply on the spring survey, that aspect has been sort of taken care of, so to speak, because in the 40-some years of dogfish sampling in the spring – that is, March and April – the proportion has

never exceeded, like, 5 percent of the total biomass.

In the fall, however, it is a much greater problem because in the fall the average proportion of those dogfish resource inshore has crept upward almost 60 percent. This is exactly what the fishermen see and this is exactly what we see in terms of our sampling on commercial vessels, for at-sea monitors and so forth.

It also highlights the need to have a more synthetic and integrated assessment that can incorporate not only what the Bigelow is seeing in the spring and the fall, but also what we see inshore on the basis of the NEAMAP Survey and what we have in terms of the Maine and New Hampshire Surveys, and then, of course, the Massachusetts Spring and Fall Surveys, which are primarily inshore.

There are pieces that we hope to piece together as part of a future modeling effort. That is why it is so important in the long run to get the sort of metrics that do that. In the short run, with the Bigelow being able to get most of the survey areas that the Albatross did in terms of the offshore strata, the non-state water strata, it seems to be doing okay.

CHAIRMAN DANIEL: Any other questions from the Board. Seeing none, Rick, do you have a question?

MR. RICK ROBINS: Mr. Chairman, just a followup to Paul's presentation, as Paul points out, the TRAC is extremely disappointing primarily in that it did not yield the reference points that we were looking for, and that, unfortunately, at the council has left us in a regulatory box. We've been trying to get out of that.

In the last meeting, when we addressed this, we passed a provisional motion that would have a 12 million pound quota. It was provisional, though, and conditioned on an increase if the fishery were declared rebuilt as a result of the TRAC result. Out of all of our terms of reference, that was the one critical piece of information I think above all else that we were looking for was trying to get a new and updated target.

We have an implicit target that the rebuilding F is based on. This is obviously one of the critical deficiencies in the FMP that we have been trying

to reconcile. This really is very disappointing that it did not yield that. Paul had identified a possible way forward of trying to reach out and re-engage the TRAC reviewers possibly to get an updated reference point.

I've had discussions today with the Science Center already on this point, so I think what we need to work towards with the Science Center is develop an interim strategy that would allow us to get very quickly to the point that we have an interim, at least, rebuilding target so that we can rectify this critical gap in our FMP.

I think that is also critical to us having collaborative management approach to this problem where we have separate FMPs and different rebuilding targets. Hopefully, we can get that done very quickly. I would suggest one way forward that might keep both the council and commission moving in a collaborative direction would be to move forward with a quota similar to what the council considered, but then come back in May and revisit the newest information.

In other words, if working with Science Center we would get an interim updated rebuilding target and reference point and incorporate that, at that point it would be a mid-season adjusting because your fishing year has already started on May 1; but if we could back and reconsider that in May and perhaps the council could consider that information in April, it would give us an opportunity to try to keep things on the same page.

But, again, it is very disappointing that we didn't get a rebuilding target out of that, and hopefully the TRAC Group, working jointly between the Canadians and Americans, can develop a new model and have agreement on that in the future, but in the immediate sense I think we need an interim reference point, and so I would suggest that we work very closely with the Science Center to try to achieve that. Thank you.

MR. VONDERWEIDT: Just a point of clarification; the Atlantic States Plan does have a target reference point in place. It is just the New England Council's plan is devoid of a target because NMFS couldn't approve the recommendation, which was I think 90 percent of that.

CHAIRMAN DANIEL: Thank you, Chris; thank you, Rick. Anything else?

#### **TECHNICAL COMMITTEE RECOMMENDATIONS**

MR. VONDERWEIDT: Being that there is no Chair of the Technical Committee for Spiny Dogfish, I get to give the report by default. Like all the meetings, I ask if anybody wants to nominate somebody else, and everybody kind of looks at their feet, so here I am again. This will be pretty quick.

The technical committee didn't have a whole lot of new stuff to say, and Paul went over everything pretty thoroughly. The initial monitoring committee and technical committee meeting was held October 29, 2009. At that time there were some questions about how the Canadian catch had been handled, and so the technical committee wanted to go back and look into that and get an answer and hold a follow-up conference call.

This is the Mid-Atlantic Fishery Management Council Monitoring Committee, and we always hold joint meetings with the technical committee to recommend specifications just in the interest of having joint management. The initial recommendations came after that November 13<sup>th</sup> conference call, after which there was some updated information about the 2009 Canadian landings.

The initial recommendation was based on the 2008, so the technical committee reconvened on January 7<sup>th</sup> through a conference call and made a new recommendation, so that there were two reports on the CD. For the SSB update, as Paul showed, SSB is 2.7 percent below the target. That might seem like less than Paul's report, but remember we have a different target, 167,800 metric tons.

We're not talking about the 200,000 metric tons. It is a scaling issue so it is slightly below the target and well above the threshold of 83,500. The stock is not overfished and overfishing is not occurring. The technical committee was hesitant to recommend anything greater than Frebuild equals 0.11, which is the fishing mortality rate which we've been under every year.

The turn-of-the-crank SSB update, while it did update some things about discard mortality, it doesn't update the selectivity or pup

survivorship, which can strongly impact the target and threshold F rates, and fishing at a level of  $F_{\text{threshold}}$  equals 0.39 or  $F_{\text{rebuild}}$  equals 0.24 could potentially lead to overfishing.

Now this recommendation came with the understanding that at the last week of January there would be a new TRAC assessment and review workshop, which would update these parameters under a new model and that the board has in the past changed the quota, and they have the ability to change the quota, so it was all kind of contingent on getting new information and that this would just a safe way to go. I'm not going to editorialize too much on that, but that was the assumption of the technical committee.

Basically, like every year, the way the quota is generated or recommendation comes as the quota is based on what the  $F_{\text{rebuild}}$  threshold would give you minus the projected discards, minus the projected recreational catch, and minus the most recent Canadian landings. Initially, that recommendation came with a 9.7 million pound quota.

The next meeting, the January 7 one when we had the new information about the Canadian landings came from a conversation between a Mid-Atlantic staff member, Jason Didden, and the Department of Fish and Ocean from Canada the DFO office – this was I believe on November 20<sup>th</sup> or around there. It is in the report the exact date, but the staff was very confident that it would remain below 150 metric tons.

At the time of the conversation on November 20<sup>th</sup>, it was believed to be 113 metric tons, so this was a significant drop from the previous year of 1,572 metric tons in 2008. So as a result, at the next Mid-Atlantic meeting, the staff recommended 12.25 million pounds based on this information, but the monitoring committee never really got a chance to talk about it or discuss it or the technical committee talk about it and discuss it.

They were initially going with 12 million pounds and some members felt uncomfortable that this information is not in a report and it hasn't been published, so they felt that maybe the most appropriate thing to do would '08 and '09 Canadian landings, which would give a 10.7 million pound quota for just one fishing year, hoping to get new information from the TRAC.

That is the final quota recommendation from the technical committee for the 2010-2011 fishing season. The possession limits, the technical committee – again, there is little scientific justification for small or large possession limits. There is bycatch associated with a high possession limit or a low possession limit, but they again stated that this is more of a policy or a management decision.

Being that 3,000 pounds has been used in the last three years, it allowed for the full harvest of the quota without exceeding the target fishing mortality rate, and they would like to recommend 3,000 pounds again. This is more of a policy management decision. That's it.

CHAIRMAN DANIEL: Any questions for Chris? Dr. Pierce.

#### **BOARD DISCUSSION OF SPINY DOGFISH SPECIFICATIONS**

DR. PIERCE: Well not so much a questions, Mr. Chairman, I have a suggestion as to how we might want to proceed regarding the specification for 2010. I am disappointed that the technical committee departed from the monitoring committee's position regarding the amount of fish that should be allowed for 2010. With that said, again, I've got a suggested approach, so when it is appropriate I would like to offer that up for the board's consideration.

CHAIRMAN DANIEL: Thank you, David. Are questions for Chris? If not, it would be appropriate.

DR. PIERCE: In getting ready for this meeting it dawned on me that I didn't see in the briefing book a letter that was sent to Richard Robins, Chairman of the Mid-Atlantic Council, two months ago regarding the division's position on spiny dogfish at that time in November. I think it is perhaps just an omission.

I don't believe you have it. It was commentary on the quota that was being considered at that time, nine-some-odd million pounds, 3 million pounds less than the 12 million we have in place right now. I will just reference a little bit of that letter because it is germane to the strategy I suggest that we now take.

Paul did a great job, as he always does, with the spiny dogfish 2009 update and providing us with

this best available science relative to spiny dogfish. In that particular update there is a very important conclusion that I note now and I noted in the letter two months ago, and that is on Page 8 of the update itself, Page 248 of the spiny dogfish material you all have on the disk.

That particular point was, from the update, a suggestion by those who provided the update; that being, and I quote, "A possible harvest rate for an acceptable biological catch might be one that, a, keeps the population near the rebuilt level; b, avoids rapid changes in catch levels; and, c, allows the population size structure to approximate a more balanced size structure and sex ratio consistent with life history theory. In terms of a constant fishing mortality rate, a rate in between 0.11 and 0.284 might accomplish those goals."

That was said by those involved in providing the update. Well, back in November at the New England Council meeting we discussed the update, we discussed that particular point. After a great deal of discussion, the New England Council voted to support 0.20; in other words, the value of fishing mortality at mid-range between that 0.11 and the 0.284.

All right, the understanding was that calculations would then be done afterwards to determine what the catch would be with that particular fishing mortality rate. That was done. Paul Rago, as always, was Johnnie on the Spot. He provided those calculations and he has shared those with me. Now, with 0.20 as fishing mortality rate, we get a catch of about 17 metric tons, which is about 38 million pounds.

That equates to landings of around 22.4 million pounds; 22.4 million pounds at 0.20 as the fishing mortality rate. You must remember that ASMFC declared the dogfish to be rebuilt back in 2008. We do have a rebuilding target. Granted, the councils don't because the service could not approve it but we do have one.

So, frankly, we're not required to keep the fishing mortality rate at that 0.11 level. We can, using the best scientific information available, using the update, very easily justify going up as high as, let's say, 22.4 million pounds, subtracting some for expected Canadian landings, which is relatively small.

Now, why in the world did the councils, the Mid-Atlantic Council specifically and not New England, why did it decide to go with the 0.11. It went with the 0.11 because the SSC said it had no choice. It could not provide any other estimates of allowable catch – acceptable catch in 2010 because the federal plan does not have a target and therefore we cannot declare – the Mid-Atlantic Council said, the SSC specifically, we cannot declare it is rebuilt. We're stuck at 0.11, and that's why the 0.11 was adopted. New England did not, 0.20, again using the update.

What do we do with this information? Obviously, I would like to stay on the same page as the council, but in this particular case I don't think we can, and I don't it is justified for us to do so. I'm not prepared, however, to make a motion that we increase the spiny dogfish quota up to 22.4 million pounds. That would be too much of a risk, too high, too fast. The markets probably couldn't even handle that amount of dogs.

I would think that it would make more sense for us to increase the dogfish quota by a modest amount for 2010, going into 2011. Of course, we will be schooled by what comes out of the assessment whenever it is completed. Paul has already indicated the problems with that, and we may not see anything until in the summer. Who knows when? We have to act now.

I'm recommending that we don't adopt a quota that would be consistent with 0.20, but I'm recommending we go with that modest increase of around 3 million pounds, 3 million pounds that would bring us up from 12 million to 15 million pounds, extremely modest and well within bounds. **I would move, Mr. Chairman, that for May 1, 2010 through April 30, 2011, the spiny dogfish quota be 15 million pounds.**

CHAIRMAN DANIEL: Thank you, David. I have a motion from Dr. Pierce; seconded by Ritchie White. Is there discussion on the motion? Mr. Adler.

MR. ADLER: Okay, I'm just going to run over things we heard today in support of this. First of all, dogfish abundance at high levels; there is strong recruitment; large discards, as much as the landings; the dead discards is an evil. Recreational and commercial fishermen continue to cry will you please get these things out of the ocean, I can't another fish.

Also, recruitment is up and there is steady increase. Something about 163,256 metric tons; it is rebuilt; a lot of dogfish. This is what we have been listening to. Also, the 12 million pounds that we have now comes out to about 5.4 metric tons. We have got 163,256 metric tons and we go 5.4 metric tons. The predator situation, they eat everything in the ocean, including the fish we're trying to rebuild or maintain.

The last thing, the council, our partners, by the way, have them adjust their number to us. It seems that we have a big problem, the council and this august body at times, trying to deal with success. We don't know how to do that. For all of those reasons, from a lot that I've listened to today from Dr. Rago, this is just very modest. It is almost too modest. Let some of the fish be taken without bothering anything, helping some fishermen, by the way, and that's why I would say, you know, we've got to support this absolutely. Thank you.

REPRESENTATIVE SARAH PEAKE: I'll chime in, Mr. Chairman, just to let you know how strongly we feel about this in Massachusetts. I can't visit a coastal community without hearing about the dogs. In all seriousness, earlier today we were talking about jobs and economic opportunities and how every decision we make here it affects the men and women who are fishing back home.

I would say with dogfish, to echo and associate myself with the comments that Mr. Adler just made, we have been successful in rebuilding; but in addition to just rebuilding the stock, what we've also been successful in doing is reestablishing the markets for the sale of these fish. We have also been successful in reestablishing the availability of the fish processors. I think that what is needed to continue that growth and continue that economic viability really as a fisherman is that we be consistent in our approach. And when we can, based on science, increase the quota, we need to do that. Certainly, we don't need to decrease it at this time.

CHAIRMAN DANIEL: You sure don't have to convince me. Any other comments? Pat.

MS. PATRICIA KURKUL: I'm not going to repeat the information that Paul provided earlier, the scientific information. We can all pick what

we want out of that information, but the bottom line is that there have been three different technical committees now that have recommended staying at the Frebuild rate, including the ASMFC's technical committee. I would support the type of approach that Rick Robins suggested earlier. I think we should try to stay on the same page and then hopefully get some additional advice that would allow us to reconsider that at a later date.

MR. MUNDEN: Going back to the comments that Rick Robins made earlier to set the quota for the upcoming fishing year close to the quota that has been recommended by the Mid-Atlantic Council and if there is a divergence, then at the April meeting of the council or the spring meeting of ASMFC we can adjust it, well, I say that can go the other way just as well.

If this board goes with Dr. Pierce's motion and we get information from the TRAC later during the spring, then this board can certainly go back and reduce the quota, keeping in mind that the fishery doesn't start until the first of May. I think I can safely say that North Carolina would support this motion. Thank you, Mr. Chairman.

MR. JOHN DUREN: Just a question; is there any significant bycatch of other species associated with the harvest of these spiny dogfish?

CHAIRMAN DANIEL: I'm sure we can answer that question. Red, can you answer that question for John?

MR. MUNDEN: It is a very, very clean fishery. In North Carolina the dogfish were so abundant and so close to the shore that the vessels will go out, they would put out a couple of shots of net, turn around and fish that net, and they would have their 3,000 pounds and would be back home before noon. It was a very clean fishery. It always has been a clean fishery as long as the nets are attended promptly. That is what we have seen in North Carolina.

MR. JACK TRAVELSTEAD: Fifteen million is a very attractive number. I am sure all the fishermen in Virginia would support it. I'm just wondering is there a downside if the board goes with a different number than NMFS. We know in other fisheries, when we do that, then we run into situations where the EEZ closes and we end up with reallocations of the resource. It is

something we want to avoid, but I don't know enough about spiny dogs to know whether that would happen here or not. If someone could answer that question, it would be helpful.

MR. THOMAS FOTE: Well, since we don't have any state regulations, we're basically fishing under federal rules. Basically, if NMFS decided to reduce the quota, as they have done previously, then our fishermen would have to basically go under that smaller quota. If they reduced it to make up for the 3 million pounds that we have in state waters and reduce it by three, so we wind up with a federal quota of 9 million pounds.

I'm just hypothetical here. We would disadvantage our fishermen because they would have to fish under the federal quota because we never seem to get our regulations passed. You're voting us out of compliance, so maybe we will get the regulatory package passed. That is one instance where we would be disadvantaged over this quota.

CHAIRMAN DANIEL: Dr. Pierce, did you have a comment?

DR. PIERCE: Well, only that this is not precedent setting. We have been not on the same page in the past, and the dogfish fishermen have been able to work with the different federal versus state quotas. We always try to be on the same page. In this particular case that 3 million pounds will put us slightly at the top of the next page.

CHAIRMAN DANIEL: Well, I can certainly say that the opportunities that dogfish have afforded us – I mean, a lot of folks pooh-pooh the value of the fishery; but I'll tell you what, for the guys participating in it has meant a lot, this year, particularly. I can't speak for Massachusetts, but I'm sure it is the same thing.

It seems like here we have an opportunity to do something that takes advantage of a rebuilt fishery with not a lot of risk involved from what I'm hearing from both Dr. Rago and Dr. Pierce around the table. Anybody else have a burning desire to say anything about this before we take a second to caucus and then we will vote?

(Whereupon, a caucus was held.)

CHAIRMAN DANIEL: All right, are we ready? All those in favor of the motion signify by raising your right hand; all those opposed same sign; null votes; abstentions. **The motion passes 13 to 2.** Dr. Pierce.

DR. PIERCE: Yes, another spiny dogfish issue, and this relates again to the 3,000 pounds versus 2,000 pounds. I'm going to offer this up to see if anyone will bite on it. The Commonwealth of Massachusetts has been at 2,000 pounds from Day One basically when the opportunity has been afforded to us to have the higher limit. Of course, the limit is 3,000 pounds in place right now.

We find ourselves in a bit of a dilemma in Massachusetts having to stay at the 2,000 because the 2,000 is an amount that tends to stretch the quota out a little bit longer. It tends to enable more fishermen to land dogs because they're not coming in at 3,000 allotments to 2,000 allotments. It has got to do with price. It has got to do with availability and spreading out the benefit to as many fishermen as possible.

We're at 2,000; other states in the New England area are at 3,000. We have Rhode Island as well as New Hampshire and perhaps the state of Maine as well. It has caused problems with, for example, our having 2,000 pounds for a landing limit starting September 1 to take advantage of the European markets, the higher prices, but dogs are being bought by processors coming into Massachusetts in higher amounts because it is not 600 – in July, for example, they're coming in 3,000 pounds from other states as individual landing limits and we have 600 pounds, basically a bycatch allotment.

I'm hoping to convince the states in the northern region, anyway, to get on the same page. Timing is going to be a different thing altogether, but at least the landing limit itself, I would prefer to have 2,000 pounds as opposed to 3,000 pounds. There is no biological reason for it being 2,000 versus 3,000. I think Chris gave the report indicating that this will be a policy call. **I would make a motion that the states in the northern region have the trip limit at 2,000 pounds and not 3,000 pounds.**

CHAIRMAN DANIEL: Motion by Dr. Pierce. Is there a second to that motion to require the northern group fishermen to operate under a

2,000 pound trip limit for the 2010 season? Seconded by Doug Grout. Terry.

MR. STOCKWELL: I am opposed to this motion. We're on the tail end of the dogfish migration right now, and 3,000 pounds is important to our fishery. You have the opportunity to raise your quota to 3,000 if it is going to work for your fishery. Three thousand works for us. I really don't need to have you tell us to – to be remanded to reduce opportunities for our fishermen.

MR. R. WHITE: I agree totally with Terry. I'll be opposing this.

DR. PIERCE: You're on the tail end, that is true, so potentially Massachusetts will start at 3,000 on July 1.

MR. STOCKWELL: That's fine.

DR. PIERCE: And it is gone like that, so I'm trying to find a way to slow it down and to provide opportunities not just for Massachusetts fishermen but for other fishermen as well for a longer period of time. I understand where you're coming from. I'm just saying that it is going to force some interesting discussions in our state to figure out how to not put ourselves at a disadvantage by obliging the fishermen in the process to seek the time of the year when the price is higher.

MR. SIMPSON: Dave certainly makes some good points, and I just wanted to say that we may not be on the same page, we're just at the top of the next page.

MR. MUNDEN: The motion from the Mid-Atlantic Council and the New England Council, I believe, was that the trip limit be set at 3,000 pounds for federal waters. If you go back in time, the Atlantic States Marine Fisheries Commission in the past has allowed the states to set a trip a limit up to a specified amount, and most recently it was up to 3,000 pounds.

I would make a motion to amend Dr. Pierce's motion and it would be to move that the states be allowed to set a trip limit up to 4,000 pounds. The rationale for that is that in North Carolina, by action of this board, receives 16 percent of the total quota. We're at the very southern end of the range. Our fishermen, this past year, received fifteen cents for their dogfish because

they had to be transported all the way to New England for processing.

The standard shipping container that is used in North Carolina holds 2,000 pounds. A number of fishermen have come to North Carolina and said what difference does it make – as Dr. Pierce has pointed out, this is not a biological issue. It is an allocation issue. They said what difference does it make if we're on a quota if we harvest 2,000 pounds per day or we can bring in a catch that fill up two of these shipping totes, so 4,000 pounds. The key point in this motion is that the state directors can set a trip limit that suits their needs not to exceed 4,000 pounds. That is my substitute motion, Mr. Chairman. If I can get a second, I would clearly appreciate that.

CHAIRMAN DANIEL: We've got a substitute from Red or amended? You said amended and then you said substitute; which is it?

MR. MUNDEN: I believe this will be a substitute motion, Mr. Chairman, because the original motion had nothing in it about the southern states, so I offer it as a substitute motion.

CHAIRMAN DANIEL: Is there a second to that motion? It dies for the lack of a second? Now we're back to Dr. Pierce's motion, and that is the northern region's trip limit at 2,000 pounds.

MR. SIMPSON: To be a little more serious and give Dave, I don't know, maybe a second chance to explain the economic advantages of – I mean, for us and I think the other states Massachusetts is the market. I understand what you're trying to achieve is getting the best value out of this resource. Is there anything you can offer in support of that logic?

DR. PIERCE: Well, the best value for the resource; traditionally the best price being offered for spiny dogfish to fishermen and, of course, the processors begins in September, the European market. The price is less earlier on, but just as important, if not more important, by having 3,000 pounds as opposed to 2,000 pounds it provides – well, the quota gets taken quicker because more fishermen are landing 3,000 pounds. Again, it is the preference that we have. Clearly, some states think it is okay and some states don't, so we will just see how the chips fall.



CHAIRMAN DANIEL: Yes, it is a tough issue. As Red pointed out for us, we have gotten a lot of pressure to go to 4,000 pounds because of fuel costs, and they would rather go ahead and make half the trips at 4,000 pounds than twice the trips at 2,000, because their profit margins are higher. But we get into managing economic consequences, and we are jumping into it. Do we need to have any further discussion on this motion? Pat.

MR. AUGUSTINE: It was a good debate. Dr. Pierce put some interesting issues on the board. It just seems to me that the higher we allow that number to be, the more close we are getting to a directed fishery. What we're describing here is fishermen, for instance, in North Carolina are able to fill two carts for 4,000 pounds and it is a hell of a lot easier to transport and so on than ones of 2,000 pounds.

The real question is, are we trying to control to some degree the amount of fish that are taken out of the biomass? After listening to what Dr. Rago said, I agree there is a bazillion of these suckers out there, and yet we're trying to be patient. Another comment that was made is what spiny dogfish eating besides cod and everything else. It is another Catch-22.

We're doing single-species management and trying to manage a whole bunch of species of fish at one time and still trying to get the most economic value out of each trip with fuel prices what they are and what the market is. A couple of meetings ago at the Mid-Atlantic Council one of the council members indicated that you could bring all these fish in but there is no market – well, not a market for them, but they don't have the processing capability.

Are we getting the horse before the cart? Is it going to kill us to take one more year to follow the process? I am having difficulty supporting this motion at this point in time. I think we've got to go back to where we were and let's be consistent with the New England Council and the Mid-Atlantic Council. Mr. Robins made a good point when he suggested we're looking for the TRAC to come forward with their information, which would be late in the spring. I just think we're getting the cart before the horse, so I can't support this motion.

MR. HIMCHAK: I know that this issue about the two totes was brought up at the last ASMFC

board meeting, and it was deferred to the technical committee to discuss. I believe their comment was that they were not in favor of increasing it to a 4,000 pound trip limit, if my memory serves me correctly. That is why I did not second the motion that Red made.

CHAIRMAN DANIEL: Well, I guess for clarification purposes, what was the reasoning behind not – why would they be involved in a trip limit discussion with a quota-managed fishery?

MR. HIMCHAK: Again, I'm taking liberties here because I don't have the report in front of me. The technical committee chair is not here or even his surrogate. It was fears over a directed fishery. They were asked to comment on that because the very issue of the two totes and going to 4,000 pounds was recommended, and we deferred it to the technical committee, and they were not very receptive to it.

CHAIRMAN DANIEL: I really don't care one way or the other, whether it is 1,000, 2,000, 3,000 or 4,000, but it is a directed fishery. Is there any idea out here that this is not a directed fishery? I mean, we were just talking about how clean of a directed fishery it is. It makes no sense to me if we've got – for example, if North Carolina has a share of the quota, just like any of you that have shares of summer flounder, you can set a trip limit however you want to, right?

I can't imagine why the technical committee would care about the – as long as we're managing the quotas appropriately, it is a directed fishery. We're not trying to hide that. Anyway, that doesn't make a whole lot of sense to me. Doug.

MR. DOUGLAS GROUT: To the motion, the reason I seconded this is because I was at a meeting last year where the industry was asking to slow the landings during the summer. They made a compelling argument that they were going to get more money for it at the beginning of September; and that if the fishery were to close, say, the beginning of October because our quota had been taken, we'd be foregoing value.

My concern at that time was with going forward with what the state of Massachusetts was doing was that I didn't want to put our fishermen at an economic disadvantage where some other states in the region were going to be fishing at a

different trip limit. That is why I seconded this to float this idea as a way to get more money out of a very low-value fishery. I still think it would be the best way to go, but we will see how the vote goes.

MR. STOCKWELL: I appreciate Dr. Pierce's rationale. Just following up on Doug's thought process here, as I said earlier, we're at the tail end. It is a limited opportunity for us. I don't think that any other option than allowing states to do what they think is right for their fishery up to 3,000 pounds, **and I am going to make a motion to substitute that states set the trip limits up to 3,000 pounds for 2010-2011.**

CHAIRMAN DANIEL: Would that be all states or just the northern group?

MR. STOCKWELL: All states. We didn't get support from the south for the 4,000, so all states.

CHAIRMAN DANIEL: All right, we've got seconds all around for a substitute motion. That's actually an amended motion; isn't it, or does it matter. It is actually an amended motion to go to up to 3,000 pounds. **Second by Red Munden.** Is there any discussion on the amendment to the motion to go to 3,000 pounds? Bob.

MR. ROBERT BALLOU: I'm sorry, I'm just not sure I understand how that differs from the current –

CHAIRMAN DANIEL: It doesn't; we just have to set the specifications every year. It would be basically status quo. Any further discussion on the amendment to the motion? **All right, all those in favor of the amendment raise your right hand; all those opposed same sign; null votes; abstentions. The motion carries 9, 1, 1, 2.**

The amendment motion becomes the main motion. Is there any further discussion on the main motion? Seeing none, all those in favor of the main motion raise your right hand; all those opposed same sign; null votes; abstentions. **The motion carries 12 to nothing to three abstentions.** All right, is there anything else that we need to do on the specifications for 2010-2011?

## REVIEW OF THE 2009-2010 SPINY DOGFISH FISHERY

If not, I think we've got a quick review of the 2009-2010 fishery. If you will go to the very last item of business, number eight, the northern region fishery closed on September 27, 2009. The southern regional fishery closed December 6, 2009. In North Carolina, we opened our fishery January 1<sup>st</sup> and got out of the gate real fast and had to close it within about eight days. That is how fast the fish were coming in.

We were able to reopen on a couple of occasions. We are now closed to the directed fishery. We've got about 90,000 pounds of fish left. I have left it open south Brown's Inlet for a biological supply company fishery; and if we have a little bit of fish left over, we can use it in the bycatch fishery, but for all intents and purposes our fishery is closed, and we're about 90,000 pounds from being caught up. That is your update. Any questions on the fishery?

MR. VONDERWEIDT: As Louis said, the northern region closed on the 27<sup>th</sup> and the southern region closed on 6<sup>th</sup>. If you look at the landings on the next slide – and these are preliminary. I wasn't actually able to get into the SAFIS data base earlier today. I guess they're having technical difficulties, but I used the Northeast Regional Office Quota Monitoring Website.

The number that is most important there is the number on the right. The northern region had an overage of around 500,000 pounds and the southern region had an overage of about 191,000 pounds. As Louis said, North Carolina is about 90,000 below. If you look at the catch rates of why there might have been these overages, starting the week ending the 22<sup>nd</sup> of August in the left column is the update and the right column are the landings.

Those are summed on the bottom, so the number you really want to pay attention to here is the bottom, so it was about 300,230 – we'll just say 500,000 through September 12<sup>th</sup>. If you keep going there of 500,000, the last week, which is after the closure was issued, it went up to about 900,000, so catch rates really shot up. There are also landings for the next couple of weeks; 252,000 the week of October. This is after the quota had been landed or after the northern

region had been shut down, and then about 500,000 of updates the following week.

If you look at this graphically on the next slide, you can see the 19<sup>th</sup> of September, that is about when the closure notice was issued, and then the 27<sup>th</sup> of September, which is where that arrow is pointing, shows a higher catch rate. We might want to think about putting a buffer in there or something for the next year to account for that.

We see the exact same thing for the southern catch rates; around November 7<sup>th</sup>, 300,000; November 14<sup>th</sup>, 250,000 pounds; the 21<sup>st</sup> of November about 600,000 pounds; 500,000 the following week; and then the closure was issued, 800,000 pounds of landings during that week; and then there continued to be some landings for states in the southern region.

I think part of that is due to federal fishermen not being updated, a little bit of a disconnect, so I think we've talked to individual states and worked that out a little bit so hopefully it won't occur in the 2010-2011 fishing season. Just graphically, you can see the last week the catch rates really skyrocket. That is the summary.

### **ADJOURNMENT**

CHAIRMAN DANIEL: Thank you, Chris; any questions? There must be a lot of fish out there. Anything else to come before the Spiny Dogfish and Coastal Shark Board? If not, thank you very much, we are adjourned.

(Whereupon, the meeting was adjourned at 6:05 o'clock p.m., February 2, 2010.)