

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

**Webinar
October 21, 2020**

Approved October 21, 2021

Proceedings of the Spiny Dogfish Management Board
October 2020

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3. **Move to revise the 2021/2022 fishing year spiny dogfish commercial quota to 29,559,580 pounds, and to set the 2022/2023 fishing year quota at 29,559,580 pounds.** (Page 6). Motion by Eric Reid; second by Raymond Kane. Motion carried (Page 6).
4. **Move to nominate Nichola Meserve as Vice-Chair of the Spiny Dogfish Board** (Page 6). Motion by Megan Ware; second by Cheri Patterson. Motion carried (Page 7).
5. **Motion to adjourn** by Consent (Page 7).

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ATTENDANCE

Board Members

Megan Ware, ME, proxy for P. Keliher (AA)	Tom Fote, NJ (GA)
Cheri Patterson, NH (AA)	Adam Nowalsky, NJ, proxy for Asm. Houghtaling (LA)
G. Ritchie White, NH (GA)	John Clark, DE, proxy for D. Saveikis (AA)
Dennis Abbott, NH, proxy for Sen. Watters (LA)	Roy Miller, DE (GA)
Nicola Meserve, MA, proxy for D. McKiernan (AA)	Craig Pugh, DE, proxy for Rep. Carson (LA)
Raymond Kane, MA (GA)	Mike Luisi, MD, proxy for B. Anderson (AA)
Sarah Ferrara, MA, proxy for Rep. Peake (LA)	Russell Dize, MD (GA)
Jason McNamee, RI (AA)	Phil Langley, MD, proxy for Del. Stein (LA)
David Borden, RI (GA)	Pat Geer, proxy for S. Bowman (AA)
Eric Reid, RI, proxy for Sen. Sosnowski (LA)	Chris Batsavage, NC, proxy for S. Murphey (AA)
Rob LaFrance, CT, proxy for Bill Hyatt (GA)	Jerry Mannen, NC (GA)
Maureen Davidson, NY, proxy for J. Gilmore (AA)	Derek Orner, NMFS
John McMurray, NY, proxy for Sen. Kaminsky (LA)	Mike Millard, USFWS
Joe Cimino, NJ (AA)	

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

Ex-Officio Members

Staff

Robert Beal	Laura Leach
Toni Kerns	Savannah Lewis
Kristen Anstead	Sarah Murray
Max Appelman	Caitlin Starks
Pat Campfield	Deke Tompkins
Maya Drzewicki	Geoff White
Jeff Kipp	Tina Berger

Guests

Mike Armstrong, MA DMF	Allison Ferreira, NOAA	Rich Pendleton, NYS DEC
Pat Augustine, Coram, NY	Cynthia Ferrio, NOAA	Michael Pierdinock, CPF Charters
Mel Bell, SC DNR	Lewis Gillingham, VMRC	Brandon Raguz, NOAA
Alan Bianchi, NC DENR	Angela Giuliano, MD DNR	Jill Ramsey, VMRC
Jason Boucher, DE DFW	Sonny Gwinn	Tim Sartwell, NOAA
Jeff Brust, NJ DEP	Matthew Heyl, NJ DEP	Tara Scott, NOAA
Kristin Butler, Fellow USS EPW	Carol Hoffman, NYS DEC	McLean Seward, NC DENR
Mike Celestino, NJ DEP	Bill Hyatt, CT (AA)	Helen T-Heumacher, EDF
Heather Corbett, NJ DEP	Shanna Madsen, VMRC	Beth Versak, MD DNR
Jessica Daher, NJ DEP	Dan McKiernan, MA (AA)	John Whiteside
Monty Deihl, Ocean Fleet	Kim McKown, NYS DEC	Angel Wiley, MD DNR
Andrea Didden	Brandon Muffley, MAMFC	Chris Wright, NOAA
Jason Didden, MAFMC	Allison Murphy, NOAA	Renee Zobel, SC DNR
Lynn Fegley, MD DNR	Brian Neilan, NJ DEP	
Jay Odell, TNC	Ken Neill	

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The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened via webinar; Wednesday, October 21, 2020, and was called to order at 11:30 a.m. by Chair Chris Batsavage.

CALL TO ORDER

CHAIR CHRIS BATSAVAGE: Good morning everyone, I would like to welcome you to the Spiny Dogfish Management Board meeting. My name is Chris Batsavage; I am the Administrative Proxy from North Carolina, and will be serving as Chair.

APPROVAL OF AGENDA

CHAIR BATSAVAGE: I want to start with Approval of the Agenda. Are there any modifications or additions requested for the agenda?

MS. TONI KERNS: I don't see any hands, Chris.

CHAIR BATSAVAGE: Okay great, we'll consider that approved.

APPROVAL OF PROCEEDINGS

CHAIR BATSAVAGE: Next is Approval of the Proceedings from the October 2019 Board meeting. Are there any changes, modifications, et cetera to the proceedings?

MS. KERNS: I see no hands.

CHAIR BATSAVAGE: All right, then those are approved.

PUBLIC COMMENT

CHAIR BATSAVAGE: Next is Public Comment. I'll offer the public the opportunity to provide comments on any items that are not on today's agenda. Are there any members of the public that would like to provide comment at this time?

MS. KERNS: I'm going to give an extra second. I see no hands.

CHAIR BATSAVAGE: All right, good deal. Okay moving along.

CONSIDER THE REVISED SPECIFICATIONS FOR THE 2021 AND 2022 FISHING SEASONS

CHAIR BATSAVAGE: Next item is to Consider the Revised Specifications for the 2021 and 2022 Fishing Seasons. Today we have Jason Didden from the Mid-Atlantic Fisheries Management Council that is going to go over the information on this with the Board. Jason, whenever you're ready, it's all yours.

MR. JASON T. DIDDEN: Okay thanks. Again, so looking at 2021 and 2022 fishing years here. We're currently in multiyear specs for '19, '20, and '21 fishing years. They were expected to go up a bit over those three years, because of the projections in the assessment just have the stock trend up.

Originally it was estimated to be at 67 percent of the target in 2018 with the last assessment, and then as the stock floats up with the projections, so does the ABC. That was the original recommendation from our SSC. The Council has modified its risk policy to tolerate a slightly higher chance of overfishing at any given stock size. The original chances of overfishing were like 27 to 30 percent in these multiyear specs. With the modification to the risk policy it allows, at the projected stock size, a 33 percent chance of overfishing.

That bumps up the projected 2021 ABC to 17,498 metric tons, and since we're expecting a benchmark in 2022, that probably really won't work into the specs process until the 2023 fishing year. Staff recommended just maintaining that same ABC for 2021 and 2022. Just from last year's update, the assessment is not just the spring trawl survey, but it is it with some bells and whistles.

These are SSB estimates coming out of the spring trawl fishery that really drives the bus on the assessment. There was no 2020 spring trawl because of COVID, but just kind of

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reviewing this to get a sense. It's really the terminal three years of data that kind of drive the assessment. This is not an assessment update. These are SSB point estimates from the survey, but you can kind of get a sense of the trends we saw, management starting in 2000.

The results from the spring trawl survey jumping up in a way that really doesn't match the biology of the species initially, right after management started, and then dropping off in recent years. Just landings since management, landings kind of tracked the increases in the quotas through 2011, and then since then the quotas went up a big with projections, landing basically kind of we're oscillating around that 20-million-pound mark.

With the last assessment update estimating smaller stock size, again you saw the trend in the survey. The quotas came back down. The annual landings have still been below quotas. The states have been kind of scrambling with some transfers to kind of optimize landings, given the state allocations.

You can see the 2019 fishing year there getting pretty close to the associated quota, and then the quotas popping back up. This 2021 is the original quota as would occur under the current multiyear specs. Just in terms of how landings have occurred the last few years. Blue here is the 2019 fishing year, the orange the year before, just to kind of get a sense how landings have come in week to week.

On the left is May 1, proceeding through the fishing year to late April of the following calendar year for again, 2019 here in blue, 2018 in orange. This is the same basic thing, but here blue is the current fishing year, orange the previous fishing year, so tracking a little bit behind 2019 fishing year this year, but pretty similar, all things considered, at least from my perspective. Just the price of spiny dogfish. This is inflation adjusted, everything in kind of constant real 2019 dollars.

The long-term trend is down. The last three years have been pretty stable though. With our process, first let me get some input from the Advisory Panel. They kind of flagged continuing weak demand, and that that weak demand coupled with the trip limit restrains landings flagged that local conditions affect local landings. That especially kind of has come up, and Virginia has had some pretty mild winters, and some pretty good winter landings in recent years. There remains concern that we've had some new science, in terms of vertical distribution in the water column, in terms of distribution in and out of the survey area. What does that mean for an assessment that is so driven by the survey? There is a lot of concern, are we underestimating the population and productivity?

Hope that that gets evaluated in the upcoming research track assessment, but no concerns about the stock from the AP. We did get input, especially this year that, given the executive order, things should really be opened up with spiny dogfish to facilitate additional landings. I got some input early this current fishing year being a little bit lower than last year, some fewer northern participants.

The fish seemed offshore, and folks having trouble kind of landing full trip limits. But big picture wise, landings seem to be tracking fairly closely to the year before so far in this fishing year. Again, the staff recommendation was the updated ABC, given the new risk policy, and extend it through 2022 as well. Next to our SSC, and then the SSC accepted that recommendation as being consistent with the Council's updated risk policy. There is certainly concern about not having that spring survey.

We're getting a big distant in time from when these projections were done in the last stock assessment, so that increases some uncertainty. But they noted that if you just went with the original projections done several years ago, even the original ones, the old risk policy had a bit higher ABC for 2022. There is a little bit of

kind of conservatism, precaution built in through extending 2022 at the 2021 level, even the higher 2021 level with the new risk policy.

The SSC also highlighted and updated some research recommendations, given the pending research track assessment. The Monitoring Committee took those ABC recommendations, recommending some deductions for Canadian landings, for U.S. discards, for U.S. recreational landings. Those you can see, some of those are most recent year, some of the discards are three-year average, the calculation of those and what to take out for those came out of some correlation analyses that we've done in previous years.

Also, they seem to be performing fairly well. When you get to taking out the Canadian landings, discards, recreational landings, the revised 2021 and potentially 2022 quotas would be 13,408 metric tons, or just shy of 30 million pounds, which is higher than it was originally intended to be, and of course given the trends, higher than they are now.

There is always some discussion of trip limits at the Monitoring Committee. The Monitoring Committee has generally stayed away from a kind of heavy input on the trip limit, since from a biological perspective, as long as the states are adhering to their quotas, the trip limit shouldn't matter that much from a biological perspective.

The Monitoring Committee has kind of noted process considerations that within the Council FMPs major changes should really be handled via a framework, like getting rid of the trip limits. Both in terms of what's allowable vs specs, vs a framework. Then frameworks, since the topics are clearly identified under these two Council meetings for the Councils, really allows greater public input, greater awareness if there are potential changes, and greater just time for analysis also. Some follow up discussions with GARFO noted that some minor changes could probably be handled with low administrative

costs. Council really wasn't intending on any action this year for spiny dogfish, but because of the way the previous NEPA document was structured, we can handle the quota change with pretty minor administrative cost.

But bigger changes beyond a couple thousand-pound increase would need an EA that really have not planned for resources for this year, but could probably deal with a thousand or two thousand pound increase within the current NEPA document structure in the abbreviated document we're planning.

However, Council staff still recommended to the Mid-Atlantic Council that really, use a framework to consider trip limit changes, because I don't really think participants are expecting trip limit changes right now, since we're in the middle of multiyear specs. We've gotten a lot of input over the years about given the relatively low price of spiny dogfish, changes to the trip limit potentially change price, so potentially fishermen are hauling more fish for the same revenue.

Because of a number of considerations, staff kind of really recommends using a framework to consider trip limit changes, so that folks can kind of be made aware of potential changes, and allow some additional socio-economic analysis of what trip limit changes might result in. The New England Council has voiced some concerns that New England preferences have been kind of masked by the Council's Committee as a Whole approach.

The Mid-Atlantic Council did that just to try for some kind of administrative savings. I think probably in the future we'll likely just have separate committee meetings, so that kind of to address this concern. If the Committees are fairly balanced between Mid-Atlantic and New England members right now, but since we had it as a Committee of the Whole Mid-Atlantic Council, and all of our members vote as a Committee of the Whole.

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If there are New England preferences, and its roughly split at the Committee level, that can get kind of masked. If all the Mid-Atlantic Council members are voting at Committee of the Whole, which is how we handle it, I anticipate in future years we'll just hold the Committee meetings separately.

The Mid-Atlantic Council did adopt the Monitoring Committee changes with no trip limits. It has set up as a 2021 priority in response to the Executive Order, some socio-economic analyses of what some potential trip limit changes could mean, and that could inform future action. New England Council meets in December.

If the two Councils recommend different things, basically the way the plan is set up that NMFS can resolve any differences by selecting any modification that hasn't been rejected by both Councils. Last year the Councils were aligned with each other, but if there is a disagreement between the Councils, GARFO/NMFS has a lot of flexibility to resolve those differences. That is it for me, thanks.

CHAIR BATSAVAGE: Thank you, Jason. Any questions for Jason on his presentation?

MS. KERNS: We have Jason McNamee and Eric Reid, and then Chris, I can just really quickly remind the Board that the Board has set the 2021, 2022 specifications. If we want to change the specification to mirror what the Mid-Atlantic Council has done to the 29.6 million pounds, we would need to revisit that quota, and determine if we want to set a quota for the 2022, 2023 fishing year.

CHAIR BATSAVAGE: Thanks, I appreciate that. Jason McNamee, you're up.

DR. JASON McNAMEE: Thank you, Jason for the report that was very, very well done. I have a question on the Monitoring Committee portion with regards to the trip limit. My question is, I was wondering, so there was a bullet in there

where you indicate that it doesn't appear that the 6,000-pound trip limit is impacting things, because a lot of the trips aren't coming close to that, they are underneath it. That was what I took away from that part of the discussion anyways.

What I was wondering is, if the Monitoring Committee discussed at all kind of the indirect impact of where the trip limit is set. In other words, the fact that it's at 6,000 might have some potential participants who might want to come in with dogfish. It might not be enough for them, given the low price per pound, so if they're just discarding everything. I'm just wondering if that was brought up, because I'm wondering if that statement that I just made is true or not.

MR. DIDDEN: The Monitoring Committee's charge is to recommend measures to ensure that the specifications are not exceeded. Our input on the trip limit, not needing to change it, is more along the lines that we think if it's left where it is odds are the specs will not be exceeded. But I didn't look at it specifically this year, but in other years I've looked at it. Actually, there are many trips right at the 6,000-pound trip limit, and very close to it.

I think that does impact landings, both for the existing participants who are often landing right at 6,000 pounds, and other potential participants. I know, and we've gotten some input for some trawling interest, maybe like even a couple times a month to have like a 30,000-pound trip limit that they can make a trip out of. The Monitoring Committee is really more, in terms of not needing a change, more that if it's left as is, we don't think the specs will be exceeded.

But certainly, and with the state-by-state quotas, we think that changes to that probably aren't going to lead to overages either, as long as states adhere to their quotas. But I think it is impacting the nature of landings in a pretty strong way, because when I do like a scatter

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plot of all the trips, there are, I'm not quite sure about a majority, but it is really striking how many trips are right at 6,000 pounds.

DR. McNAMEE: Thank you very much, that was super helpful.

CHAIR BATSAVAGE: Next up is Eric Reid.

MR. ERIC REID: I have a question about process. I do have a motion, but it might need to be two motions. A motion to revise requires two-thirds vote, but a simple motion to set specs is only a majority, is that right, or is one motion going to be able to do the whole thing?

CHAIR BATSAVAGE: Eric, yes, I believe you're right. I'll turn to Toni to see if we could potentially handle both years in one motion. Toni.

MS. KERNS: It's the will of the Board. You are correct, Eric, it does take two-thirds majority to revise. But if we don't think that there is going to be much opposition to revising and setting the specs at the 29.6 million pounds, we can do it all in one.

MR. REID: Okay, thanks for that. Mr. Chairman, I can give you a motion whenever you're ready and see what happens.

CHAIR BATSAVAGE: I'm going to see if any other Board members have questions, and if not, I'll come back to you for your motion. Toni, anyone else in the queue?

MS. KERNS: I see no one else with their hand raised. I apologize, David Borden just snuck in.

CHAIR BATSAVAGE: Great, David.

MR. DAVID V. BORDEN: Just a quick question. Is the observation by the Advisors about the dogfish resource moving into federal waters? I just wondered to what extent is that supported by the science?

CHAIR BATSAVAGE: I think I'll turn to Jason Didden on any insight he has on that.

MR. DIDDEN: That was kind of an on-the-fly observation of really 2020 fishing year landings. I have, and I think particular to 2020, and there is a reason why landings may have slacked, may have been a little bit below last year's trend. I have not looked into that in any detail. Without the spring survey, you know that would further compromise our kind of ability to see changes.

We don't really have much, in terms of distribution in the summer when that was occurring. I think it would be pretty hard to delve into, but I haven't, since it's really just summer 2020 that their observation was mostly pertinent to. I haven't kind of been able to dig through any data on that.

MR. BORDEN: Thank you, Jason. Mr. Chairman, can I follow up with a question?

CHAIR BATSAVAGE: Yes, definitely.

MR. BORDEN: My follow up is, to what extent has the Mid-Atlantic Council talked about the subject of the surveys being modified, and the observer system being modified? Have they taken that up and had a discussion on how that might affect out-year specifications?

MR. DIDDEN: Our Assister has certainly been chewing on that quite a bit. I don't know. I would have to follow up on any resolution. I think if, you know we've had some gap years with spiny dogfish before, with missing the 2020. But it's hard to say exactly which way the research track proceeds, and what data sources it uses. But I can only imagine that it will increase uncertainty, and that's never a good thing.

MR. BORDEN: Thank you.

CHAIR BATSAVAGE: Any other questions from Board members?

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MS. KERNS: No other hands.

CHAIR BATSAVAGE: Okay great, so Eric, I will turn to you for your motion.

MR. REID: If somebody wants to put it on the screen, I'm happy to read it. Move to revise the 2021/2022 fishing year spiny dogfish commercial quota to 29,559,580 pounds, and to set the 2022/2023 fishing year quota at 29,559,580 pounds. The rationale for that motion was given very clearly by Mr. Didden in his presentation.

MS. KERNS: We have a second by Ray Kane.

CHAIR BATSAVAGE: Thanks, so motion by Eric Reid, second by Ray Kane. Any discussion on the motion?

MS. KERNS: I don't see any hands raised.

CHAIR BATSAVAGE: This is a final action by the Board, which is roll call, but I think we can try to see if there are any objections, am I correct on that, Toni?

MS. KERNS: You can.

CHAIR BATSAVAGE: All right, in the interest of time and lunch creeping up on us here. I'll ask, are there any objections to this motion?

MS. KERNS: I see no hands in objection.

CHAIR BATSAVAGE: Okay then the motion passes by unanimous consent. I guess Toni, does that take care of what we need to do for specifications? I guess if there is no interest in modifying the northern region trip limits, then they would stay at 6,000 pounds, and no action would be needed by the Board. Am I correct on that?

MS. KERNS: That is correct, Mr. Chairman.

CHAIR BATSAVAGE: Okay, if there is no interest in making any modifications to that, and as

Jason mentioned that there is going to be some more work done on analyzing that next year. Then we can move on to our next item on the agenda. I'll just pause to make sure that that is the case.

MS. KERNS: I don't see any hands, so I think you are correct.

CHAIR BATSAVAGE: Thank you again everyone for getting through this action item.

ELECT A VICE-CHAIR

CHAIR BATSAVAGE: Next item on the agenda is to Elect a Vice-Chair. Now I'll entertain a motion for a Vice-chair.

MS. KERNS: You have Nichola Meserve, I mean sorry, Megan Ware. I might have made a spoiler.

MS. MEGAN WARE: I would like to nominate Nichola Meserve.

CHAIR BATSAVAGE: Move to nominate Nichola Meserve as Vice-Chair of the Spiny Dogfish Board, can I get a second, please?

MS. KERNS: Cheri Patterson.

CHAIR BATSAVAGE: Seconded by Cheri Patterson. Is there any objection to the motion?

MS. KERNS: I see no hands in objection.

CHAIR BATSAVAGE: All right, great, congratulations and thank you, Nichola. Last item is other business. Is there any other business for the Management Board to consider today?

MS. KERNS: I see no hands raised for other business.

ADJOURNMENT

CHAIR BATSAVAGE: Great, well if there is no objection than we are adjourned. Thanks everyone.

(Whereupon the meeting adjourned at 12:00
p.m. on October 21, 2020.)