

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

**The Westin Crystal City  
Arlington, Virginia  
Hybrid Meeting**

**January 23, 2024**

**Approved May 2, 2024**

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3. **Move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 be set at 10,699,021 pounds; 2025-2026 be set at 10,972,394 pounds; 2026-2027 be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries** (Page 5). Motion by Nichola Meserve; second by Jeff Kaelin. Motion carries (11 in favor, 1 abstention from NOAA fisheries) (Page 8).
4. **Move to approve the spiny dogfish northern region trip limit for fishing years 2024/25, 2025/26, and 2026/27 at 7,500 lb** (Page 8). Motion by Jeff Kaelin; second by Doug Grout. Motion carries with 1 abstention from NOAA Fisheries (Page 9).
5. **Move to nominate Joe Cimino as Vice-Chair of the Spiny Dogfish Board** (Page 9). Motion by Chris Batsavage; second by Mike Luisi. Motion passes by unanimous consent (Page 9).
6. **Move to adjourn** by consent (Page 10).

**ATTENDANCE**

**Board Members**

|  |  |
|--|--|
| Megan Ware, ME, proxy for P. Keliher (AA)                | Amy Karlnoski, NY, proxy for Assemb. Thiele (LA) |
| Renee Zobel, NH, proxy for C. Patterson (AA)             | Joe Cimino, NJ (AA)                              |
| Doug Grout, NH (GA)                                      | Jeff Kaelin, NJ (GA)                             |
| Dennis Abbott, NH, proxy for Sen. Watters (LA)           | Adam Nowalsky, NJ, proxy for Sen. Gopal (LA)     |
| Nicola Meserve, MA, proxy for D. McKiernan (AA)          | John Clark, DE (AA)                              |
| Raymond Kane, MA (GA)                                    | Roy Miller, DE (GA)                              |
| Sarah Ferrara, MA, proxy for Rep. Peake (LA)             | Craig Pugh, DE, proxy for Rep. Carson (LA)       |
| Jason McNamee, RI (AA)                                   | Michael Luisi, MD, proxy for L. Fegley (AA)      |
| David Boredn, RI (GA)                                    | Russell Dize, MD (GA)                            |
| Eric Reid, RI, proxy for Sen. Sosnowski (LA)             | Pat Geer, VA, proxy for J. Green (AA)            |
| Justin Davis, CT (AA)                                    | Bryan Plumlee, VA (GA)                           |
| William Hyatt, CT (GA)                                   | John Cosgrove, VA, proxy for Sen. DeSteph (LA)   |
| Joe Gresko, CT (LA)                                      | Chris Batsavage, NC, proxy for K. Rawls (AA)     |
| John Maniscalco, NY, proxy for M. Gary (AA)              | Chad Thomas, NC, proxy for Rep. Wray (LA)        |
| Scott Curatolo-Wagemann, NY, proxy for E. Hasbrouck (GA) | Allison Murphy, NOAA                             |

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

**Ex-Officio Members**

**Staff**

|                  |                |                 |
|------------------|----------------|-----------------|
| Bob Beal         | James Boyle    | Katie Drew      |
| Toni Kerns       | Caitlin Starks | Jeff Kipp       |
| Tina Berger      | Chelsea Tuohy  | Kristen Anstead |
| Madeline Musante | Emilie Franke  | Kurt Blanchard  |
| Tracy Bauer      | Jainita Patel  |                 |

**Guests**

|  |                            |  |
|--|----------------------------|--|
| Debra Abercrombie, US FWS                    | Lewis Gillingham, VMRC     | Anthony Mastitski, Marine Stewardship Council          |
| Alan Bianchi, NC DMF                         | Jennifer Goebel, NOAA      | Todd Mathes, NC DEQ                                    |
| Jason Boucher, NOAA                          | Melanie Griffin, MA DMF    | Dan McKiernan, MA (AA)                                 |
| Colleen Bouffard, CT DEEP                    | Brendan Harrison, NJ DEP   | Brandon Muffley, MAFMC                                 |
| Jeffrey Brust, NJ DFW                        | Emerson Hasbrouck, NY (GA) | Cheri Patterson, NH (AA)                               |
| Nicole Caudell, MD DNR                       | Jay Hermsen, NOAA          | Michael Pierdinock, Stellwagen Bank Charter Boat Assn. |
| Michael Celestino, NJ FW                     | Harry Hornick, MD DNR      | Marisa Ponte, NC DEQ                                   |
| Haley Clinton, NC DMF                        | Jesse Hornstein, NYS DEC   | Will Poston, Stellwagen Bank Charter Boat Assn.        |
| Caitlin Craig, NYS DEC                       | Ashley Kennedy, USFWS      | Sarah Rademaker, American Unagi                        |
| Jason Didden, MAFMC                          | Blaik Keppler, SC DNR      | Jill Ramsey, VMRC                                      |
| Julie Evans                                  | Kris Kuhn, PA FBC          |  |
| Glen Fernandes                               | Robert LaFrance            |  |
| Sonja Fordham, Shark Advocates International | Jennifer Lander, NYS DEC   |  |
|  | Chip Lynch, NOAA           |  |

**Guests (Continued)**

Daniel Ryan, DC  
Christopher Scott, NYS DEC  
McLean Seward, NC DMF  
William Sheldon  
Somers Smott, VMRC  
John Sweka, US FWS

Mark Terceiro  
Corinne Truesdale, RI DEM  
Taylor Vavra, Stripers Forever  
Craig Weedon, MD DNR  
John Whiteside, WhitesideLaw  
Kelly Whitmore, MA DMF

Angel Willey, MD DNR  
Chris Wright, NOAA  
Darrell Young, MEFA  
Jordan Zimmerman, DE DNREC

The Spiny Dogfish Management Board of the Atlantic States Marine Fisheries Commission convened in the Jefferson Ballroom of the Westin Crystal City Hotel, Arlington, Virginia, via hybrid meeting, in-person and webinar; Tuesday, January 23, 2024, and was called to order at 3:20 p.m. by Chair Pat Geer.

### **CALL TO ORDER**

CHAIR PAT GEER: Welcome to the Spiny Dogfish Management Board. My name is Pat Geer; I am the Administrative Proxy for the Commonwealth of Virginia, and I'll be your Chair today. We're going to be joined by James Boyle, who is the FMP Coordinator and Jason Didden, who is a fisheries management specialist at Mid-Atlantic Fisheries Management Council.

### **APPROVAL OF AGENDA**

CHAIR GEER: The first order of business for today is Approval of the Agenda. Are there any changes or modifications to the agenda? Hearing none; the agenda is approved by Board consent.

### **APPROVAL OF PROCEEDINGS**

CHAIR GEER: Moving on to the Proceedings from the October meeting in Beaufort, North Carolina on October 18. Any modifications, changes, or comments to the proceedings? Hearing none; the proceedings are approved by Board consent.

### **PUBLIC COMMENT**

CHAIR GEER: Moving on to Public Comment. Is there anybody in the audience that would like to speak on items that are not on the agenda today? Do we have anybody listed? Seeing none; is there anybody online, the same, interested in speaking on items not on the agenda.

### **REVIEW 2023 MANAGEMENT TRACK ASSESSMENT**

CHAIR GEER: Hearing no comments at all, we're going to move on to Item 4, which is Review of the 2023 Management Track Assessment. That will be done by Jason Didden. Jason, you're online, can you hear us, okay?

MR. JASON DIDDEN: Yes, and my presentation is kind of a combination of that and the Council actions, if that is okay.

CHAIR GEER: Yes.

MR. DIDDEN: A quick overview, going to hit a bit of history, some science and policy, and then at the management measures. These acronyms come up a lot. I'll just note that last one, going back and forth between metric tons and pounds can be a bit tricky. But that 450 metric tons, being about a million pounds, I think is a good quick conversion.

The main thing here from federal summaries, to highlight the federal trip limit at 7,500 pounds, and that federal waters close to possession when the federal quota is reached. Also, it is a joint plan with New England. The Mid took action in December, and New England considers next week. Just an overview of the specifications, where we are now. Key components include the discard set-aside, the management uncertainty buffer, which is zero currently, and that gets us to the current commercial quota of 12 million pounds, based on what our SSC had set previously, and then those various deductions.

Just history of catch. Mostly commercial landings and discards, starting from left to right with the bottom red bars. You can see that expansion of the directed domestic fishery in the 90s, the low landings in the early 2000s, as a rebuilding effort then expanded landings as the stock and quotas grew, and then finally erosion of those landings in most recent years.

The question has come up a few times in different venues of, you know we're looking at these quota cuts, but we haven't been catching the past quotas. What is going on? As a bit of context for that, before we talk about a few of the assessment details. In terms of the scale of recent inaccuracy, if you applied the current fishing target rate to what we think the biomass was in 2016, it looks like the 2016 quota was set about four times too high.

That we're going to relate to, well it relates to

questions that have come up of how can we have been having these issues now, when we generally haven't been hitting our quotas or catch limits? This is biomass as spawning output. The Y vertical access here is millions of pups produced annually. That is the biomass measure for this assessment.

This is the exploitation rate. You can see if you look about two-quarters of the way to the right, around 2000. You can see that reduction in fishing mortality. After 2000 was that initial rebuilding effort, but then some overfishing again. But we do look like we're right at the biomass target, basically, and not overfishing in that terminal year of the management track stock assessment that considered data up through 2022.

From here I just want to note, and can you hit next one more time? Just two things to note here. One that the green that I kind of hand colored in along the year's X axis are times where we don't think we're overfishing. Then to that green horizontal dash is where the research thought the biomass target was, so a good bit higher than we now think our biomass target is.

We have a bit of a double-edged sword of the assessment thinking that there is lower productivity. The assessment thinks we're at our target, but then requires lower catches to stay there, because of that lower productivity. You can see in 2022 our ABC was around 17.5 thousand metric tons.

Then 2023 just a bit under 8,000 metric tons, with the 12-million-pound quota, and then potentially lower again now. That is a super quick overview of the recent management track assessment. Let's review a little recent performance. Here are those highlights. You can see the landings track, the initial quota, the increasing quota initially in the late 2000s, as our biomass was increasing, but then overall declined in the last decade

Bear with me, I'm at the end of a cold, but my voice is deteriorating here. We'll try to make it through. Next, this is just prices for the fishery over time. You can see inflation adjusted to 2022 dollars.

Prices are relatively stable in recent years. This is just fishery performance. The last full fishing year in orange, and the current in blue. Week 0 here all the way to the left is May 1. You can see 2023 fishing year landings, May through April, 2023 fishing year is a bit behind 2022. That was just refreshed last week, so the far right of the blue are late December and just early January landings.

Just summary of landings by state. Virginia landings have been the strongest the last couple years, and that you look at by a season, kind of not surprising, kind of correlates to more landings toward the latter half of the fishing year in recent years. Since recent vessel participation, this is a vessel with any federal permit, and there are some landings categories.

Started work with the AP a number of years ago, just to get a general sense of vessel activity. You can see that kind of follows the general landings trend. It ramps up in the late 2000s, with that quota, and then erosion the last decade. We get a fishery performance report from our Advisory Panel.

They note that a lot of things affects participation and landings in this fishery, its relatively low price, some of them get other opportunities, it could be oysters or just any other opportunity can draw effort away. In fact, they don't really see the big change in abundance trend that the assessment sees, and the survey doesn't match the biomass trends that they see, which is they report basically seasonal variabilities and annual variability, but not a lot of trends.

But they do really note that with the fishery they really feel like, I thought I would just take this quote from the Fishery Performance Report that they report that they are kind of at a threshold where interest and then fishermen and infrastructure will evaporate. They've noted that the artificially-low quota broke the supply chain from the south, Virginia, that processor in Virginia, the packer that most of the dogfish are shipped for process in Massachusetts.

But the dealer who was landing exited the fishery that's been replaced to some degree, but it has definitely created some instability in flux there. Other replacement of panelists that feel they are subject to kind of roller coaster style management that is just going to result in shoreside gentrification.

A lot of concern about the Bigelow performance issues, whether it doesn't run, doesn't run on time, performance of the gear. We also reviewed the Council's research priorities and they did provide some input on potential research and that is in the AP report. I'll skip any more details for now.

The Council's Scientific and Statistical Committee, they take the assessment. The Council's Risk Policy, and consider how uncertain the assessment is to calculate an ABC. We've got an analytical estimate that has passed peer review. The Council's Risk Policy says that for a stock where we think dogfish is, just above its target, the Council's Risk Policy wants a 54 percent chance of not overfishing.

Then the SSC also considers, is this a low uncertainty assessment, a high uncertainty assessment that affects how much you have to back off the overfishing level to achieve that slightly higher chance of overfishing. They kind of assess this to be kind of a moderately uncertain stock assessment. When you apply the Council's Risk Policy, to get that 4 percent better than coin flip chance of not overfishing, that results in cutting back about 8 or 9 percent from the overfishing catch, so it's about 663 metric tons in this case. The SSC makes those calculations and you get those ABCs, about 7,100 for 2024, 7,200 for 2025, and 7,500 metric tons for 2026. Those are the SSC recommendations that the Council cannot exceed.

There is an SSC Report, I think was included in your briefing materials. I have more details and some backup slides, but that is kind of where the ABC arrives from. The Monitoring Committee takes those ABCs and then provides management recommendations to the Council, so that I said jointly manage, we've got some Council staffers, federal staff, state staff, and then this Monitoring

Committee also has two nonvoting ex-officio industry representatives on the Monitoring Committee also.

The charge in the regulations to the Monitoring Committee is to make recommendations to ensure that the ACLs are not exceeded. It's really this tradeoff between trying to maximize this limited quota that we have available, and then also because this plan has pound for pound paybacks for ACL overages, we try to not exceed that ACL, so you don't well, potentially overfish. But also, not get paybacks that could be disruptive to future fishing years.

The Monitoring Committee has discussed over the years that at these relatively low ABCs, you can't really ensure these gear risks that you don't have like a big discard estimate that causes a big ACL overage, and really causes future year disruptions because of those potential paybacks. Kind of try to do a good faith effort to avoid substantial overages in a typical year.

Canadian and recreational landings are pretty simple, some small deductions for those. The discards, the management uncertainty, commercial total discards and management uncertainty buffer is really kind of where it is more complicated, and we typically spend more of our time. This is the spiny dogfish dead discards, total dead discards that we kind of have to try to plan for and set aside.

You can see just above 2,000 metric tons in the terminal year of the assessment, and overall downward trend the last ten years, but a lot of that trend is from '13 and '14 being a good bit higher. We tried to get a bit of a sense of early 2023 discards, because that is one thing. It looks like trawl discards were up a little bit the first half of the year, CAMS good output midyear discard estimates for us on the commercial side.

Gillnet discards maybe down a little bit, did a midseason query from MRIP, recreational discards the first half of the year were up a little bit, two more months were available. I took a look at '23 looks very similar year to date through Wave 5 of



2022. They look quite comparable when you added in another two months of data.

The Monitoring Committee kind of discussion really ended up hinging on kind of two perspectives. One, our industry members really recommended that using that 2022 terminal discard estimate without any management uncertainty buffer, they noted the downward trend, 2022 was pretty close to what we set for 2023. They noted the state landings allocations can't quite probably use all the landings, because of the regional allocation. That creates a big of an implicit buffer. They noted the ABC is increasing. That could soak up any small overages, and really flagged the kind of critical negative impact from sequestering, setting aside any potential quota, and the fishery is kind of on a knife edge of viability. The industry members of the Monitoring Committee thought that the options suggested by the rest of the Monitoring Committee were not reasonable that we'll talk about next.

The rest of the Monitoring Committee decided that just that 2022 discard estimate with no management uncertainty buffer seemed rather risky. The assessment suggests increase in biomass, which should increase discards. Some really low small-mesh trawl estimates in the last couple years, so if that slips what could happen?

Noting that a lot of the discards in other fishery trawl, who's behavior may be variable. There is just tradeoff, again higher buffers, less quota now but lower risk of overages and paybacks and future disruptions and vice versa, with lower buffers now. We noted that the three-year average, about 3,100 metric tons captures some of the use and discard variability.

Probably if you were spending that high you wouldn't need a management uncertainty buffer to avoid substantial overages in most years. You could still get an overage, but at least it accounts for some of that recent variability. But you get a low quota then, even without any additional buffering.

We noted the assessment model also generates expected discards, and thought that seemed like an

objective way to set discards. Although it then showed that the Monitoring Committee recommended to the joint Spiny Dogfish Committee some may want to consider some management uncertainty buffers, given there is still, by the nature of how the discard estimates are calculated in the model, a 50/50 chance that they are higher or lower than projected.

Depending on the discard set-aside, you get somewhere in between about 8.5 to 10.7 million pounds for a quota, and there are tables in the Monitoring Committee Summary. Then the discard set-aside, potentially lower yet again if a management uncertainty buffer is used. We had some additional public comment at the Monitoring Committee summary, just really concerned about the uncertainty in this and the impacts to industry.

Really flagging that they need as much quota as they can to survive another year. They flagged what they sense is really low sampling and the potential impacts of that on the assessment. East Coast provided a letter that should be in the briefing materials. Next, I'll just kind of note is some of the input on, in fact, and this is kind of across a number of fisheries.

While the fish assessment, it also uses some observer data for length information. That kind of drives the assessment. We really have had very few portside samples of trips for spiny dogfish in recent years, kind of largely hinging on, part of it is fishery activity, but also had a lot of reduction in funding of portside sampling in the last couple years.

The Committee took all that input and they moved to use the most recent estimate of Canadian landings, no management uncertainty buffer, those model-predicted-projected year specific discards, three-year average for recreational landings, and that resulted in those commercial quotas at that bottom bullet, a little over 10 million pounds going up to about 10.5 million pounds over the course of your three-year specs, and that is Table 3 of the Monitoring Committee Summary. The Council started with that and a motion along those lines, but the Mid-Atlantic Council decided to adopt for

2024 specifications, recommend the 2022 discard amount, to start off with. That is the most recent year available, about 4.7 million pounds.

Then slightly more discards in 2025 and 2026. You can see what the commercial quota that results there is. Starting about 10.7 then 11, then 11.2 million pounds. I said the full motion is in the briefing books. The motion might not be, but the Council summary I'm pretty sure was. The Mid-Atlantic Council noted the downward trend in discards over the last ten years, concluding that made it a reasonable proxy for near future discards.

But does kind of follow along the assessment's prediction of slightly increasing biomass for '25 and '26 that same kind of trend, and then increases discards slightly for '25 and '26 from that first 4.7 million pounds number. That is all I have, I'll be able to take any questions, and then turn it back over to you all, thank you.

CHAIR GEER: Thank you, very much, Jason. Does anybody have any questions for Jason at this time? I'm not seeing any. Do we have to have a motion on this. I don't think we need a motion on this assessment. There are no questions.

### **SET SPECIFICATIONS FOR UP TO THE NEXT THREE FISHING YEARS**

CHAIR GEER: We can move on to set the specifications for the next three years.

CHAIR GEER: Jason will review the Monitoring Committee and the Mid-Atlantic Council's recommendations for the 2024 through 2026 fishing seasons.

### **REVIEW MONITORING COMMITTEE AND MID-ATLANTIC FISHERY MANAGEMENT COUNCIL RECOMMENDATIONS FOR 2024-2026 FISHING YEARS**

MR. DIDDEN: Sure, and that was kind of integrated into those last few slides. I think we've had some issues with, in the last couple years in like the Council Summary down to like a tenth of a million

pounds, but provided the exact poundage translation to Commission staff.

CHAIR GEER: James has a couple of slides to show at this point.

MR. JAMES BOYLE IV: Just a couple of quick slides as you consider the specifications for the next one to three fishing years. Last year the Commission maintained the trip limit for the northern region at 7,500 pounds for the 2023-2024 fishing year, which is consistent with the federal trip limit.

But because this Commission specified that it was just for the '23-'24 fishing years, the Commission would need to respecify the trip limit for the 2024-2025 fishing year or any beyond that. Lastly, if the Commission were to adopt the recommended quotas from the Mid-Atlantic Council, it would result in these regional and state quotas, as shown in the table on the slide. I'm happy to leave these up for reference, and can take any questions or hand it over to the discussion.

CHAIR GEER: Okay, is there any other discussions or questions? Some people looking. Hey, we're looking for a motion at some point, if we have no other questions. Nichola's hand is up.

MS. NICHOLA MESERVE: I'll move to a motion if there are no questions, if staff could bring it up to help me, make sure I've got the right numbers in that it will be consistent. **I move to approve FY2024-2026 spiny dogfish specifications: commercial quota 2024-2025 to be set at 10,699,021 pounds; 2025-2026 to be set at 10,972,394 pounds; 2026-2027 to be set at 11,223,720 pounds consistent with those adopted by the Mid-Atlantic Fishery Management Council pending their approval by NOAA Fisheries.** If I have a second to the motion I will speak to it as well, Mr. Chair.

CHAIR GEER: Do we have a second to that motion? Yes, I see Jeff's hand come up. Nichola, do you have anything you want to add to that?

MS. MESERVE: Yes, thank you, Mr. Chair. I took the

time last night to relisten to the Mid-Atlantic Council discussion on this item, and that really helped me to support the outcome that the Council arrived at in December. It was reached after a thorough Council discussion of a range of options that included several beyond what the Committee had evaluated.

That discussion highlighted for me a widespread desire to support the continuation of the dogfish fishery with the highest quotas as justifiable. However, it was also apparent that NOAA Fisheries was unlikely to approve specifications that use the 2022 discard estimate as was also considered as the discard deduction for the coming three years.

That doing so would be too similar to cherry picking the discard estimate to get the quota we want, rather than a scientifically valid approach. But sufficient rationale was, I think, provided for these numbers that use the ten-year declining trend of discard estimates to support the application of the 2022 discard estimates for 2024, and then use the stock assessment's projections to follow a gradual increasing trend of discards.

I'm aware that the New England Council is meeting next week, and it's possible that a different outcome could be arrived at, and that the final decision would rest with NOAA Fisheries, hence that additional language about, pending NOAA Fisheries approval within the motion. I don't favor postponing our action to wait for those decisions, that would essentially be giving up this Board's opportunity to influence the outcome. Therein lies the rationale for my making this motion.

CHAIR GEER: Thank you, Nichola, Jeff, do you have anything to add to that?

MR. JEFF KAELIN: My only question is, should this motion include the possession limits for '24 and '25 also, or do you want that as a separate motion?

CHAIR GEER: We could do it separately, or we can include it in this motion if you want.

MR. KAELIN: It may as well go in this motion, it

seems to me, maybe, if it's not too late.

CHAIR GEER: Nichola, do you want to modify the motion and include the trip limits?

MS. MESERVE: I don't know, Mr. Chair, I had considered that myself. I wasn't sure if there was going to be a different opinion on the quotas in this meeting. These specifications are also for three years, whereas I think I feel more comfortable setting the trip limit for just one year at this time. For those reasons I had not included it.

MR. KAELIN: That's fine with me.

CHAIR GEER: I would recommend we do it as a separate motion. Are there any questions or any discussion on this motion? Mike Luisi.

MR. MICHAEL LUISI: I supported this as a member of the Mid-Atlantic Council, and there was a lot of discussion at the time about what NOAA Fisheries, what the Regional Office was going to do, based on the recommendations from the Mid. Nichola also mentioned that the New England Council is going to be meeting on this same topic, and they may come up with something entirely different from what we did.

I guess my question is, if we were to support this and this moved forward, and the New England Council comes up with something different, or even the same as the Mid-Atlantic Council, yet NOAA Fisheries decides to implement something different. Does that put the states and the federal waters, does it make the quotas different?

I know it says at the end of this motion, pending NOAAs approval, but what approval is it pending? They are going to make a decision at some point, it's what decision they make that then affects whether or not our state and federal waters have the same limits or not. Because I think maintaining those quotas the same in both federal and state waters is extremely important. We don't want to start to go in two different paths here. I'm just looking for some clarification.

CHAIR GEER: Bob may have some clarification on that.

EXECUTIVE DIRECTOR ROBERT E. BEAL: Yes, I'll give it a shot. I think Nichola can speak for herself, obviously as the maker of the motion. But my interpretation of this is that if the Board were to approve this, our measures are essentially what is on the screen, and if NOAA ultimately approves something different, based on guidance to the Mid-Atlantic Council or just action on their own.

This Board would have to get back together and revisit the state quotas to make them consistent with the federal government, and that would take a two-thirds vote to do that. But I think, Mike, to your last point that is probably the most important, which is having the states and the federal government on the same page, as far as quotas go is pretty important. We've shown, in dogfish a couple times actually, that if there are different quotas at the state and federal level, it gets really messy really quickly.

CHAIR GEER: Mike, follow up?

MR. LUISI: Bob, you're not the right person to answer this question, but as far as timing goes for NOAA. What is the intended timeline for the establishment of making this decision, publishing that rule? Do you know, Alli?

MS. ALLISON MURPHY: If I may, Mr. Chair.

CHAIR GEER: Go ahead.

MS. MURPHY: It is a little hard for me to say at this point, because as was noted earlier, the New England Council hasn't taken action yet. I imagine Mid-Atlantic Council staff, if different action were taken next week would have to write that up. I think that would be dependent on when the document is submitted to us for us to start our rulemaking decisional process there. Unfortunately, I can't speak specifically to that.

MR. DIDDEN: This is Jason. With some of the assessment delays we're backed up a bit, compared

to sometimes though. It's going to be tight to get things in before the start of the fishing year. That's going to be our goal. But from the federal side there is rollover, so if things aren't quite ready exactly by May 1, existing measures roll over until superseded.

CHAIR GEER: Nichola Meserve has her hand up.

MS. MESERVE: I don't want to disagree with Bob, but when I was thinking about this motion and the language of pending their approval by NOAA Fisheries, my intent was that essentially, if NOAA Fisheries adopted something else, the Commission, this Board, you know this motion would be kind of invalidated and the Commission wouldn't have any quotas, like on the books.

It would just be a simple majority vote at that time to adopt specifications, which I would hope could be done by probably a Board e-mail ballot, given the late nature that that may be at that time. I would look to Bob to see if that is an okay interpretation as well.

CHAIR GEER: Any other comments on this motion? Bob.

EXECUTIVE DIRECTOR BEAL: Just to follow up on Nichola's question. You know if that is her intent is that should NOAA Fisheries implement something different, then the Commission does not have any measures for these years on the books at all, and then the Board can get back together and approve something through simple majority, you know that is fine.

The record just needs to reflect, and as I said, it's Nichola's motion. If that is her interpretation or her intent of the motion is, if NOAA does something different than the numbers that are included on the screen now, then there are no state measures and the Commission will have to get back together, this Board will have to get back together and take action to do that. That is absolutely fine, it is just good to have it clear on the record.

CHAIR GEER: Mike Luisi.

MR. LUISI: I think that is a really important point, the intent of the motion. If you would like, if you want to make sure it's clear, I agree with Nichola. I think that unless NOAA Fisheries approves the same quotas that are listed above, if they don't then we need to revisit, but if they do, then we can move forward. I would be happy to either offer advice, as to a friendly, or I could make a motion to amend, and add a little language at the end that would hopefully clarify that for everyone. It's up to you.

CHAIR GEER: Mike, the record shows, so it shouldn't be necessary. Is there any other discussion on this motion? Not hearing any; I guess it's time for a vote. Before we take the vote, I would like to have public comment, if there is anybody who would like to speak to this motion. We have one online. Please, state your name.

MR. JOHN WHITESIDE, JR ESQ: Attorney John Whiteside, I'm on the AP and Monitoring Committee. I was at the Mid-Atlantic meeting on December 13, and I would just urge the Commission to follow the same vote for what the motion is that is on the board now. Thank you.

CHAIR GEER: Thank you. All right, since this is a final motion, I would like to see a list of hands in favor of this motion. **Please raise your hand if you are in favor. Raise your hand if you're opposed. Seeing none; null votes, abstentions; 1 from NOAA Fisheries. I believe the final vote on that is 11 to 0 to 0 to 1.**

I did not read the motion in. Do you want me to read it? Are you sure? Okay. **All right that passes.** Now we need to address the trip limits, and I'll look for, Mike Luisi has his hand up, and I think Jeff you're playing volleyball back and forth with each other right now.

MR. KAELIN: I **move to approve 2024-2025 spiny dogfish trip limits at 7,500 pounds.** I think that is the right number.

CHAIR GEER: Do I have a second for that? Doug Grout. Jeff, do you want to comment on that at all?

MR. KAELIN: I'm glad I don't have to pull them all in, I tell you. I've done 6,000, and 7,500 is a lot of fish. No, I don't have any other comment, thank you, Mr. Chairman.

CHAIR GEER: Mr. Grout, no. We have that up there, so the motion was by Jeff Kaelin, seconded by Doug Grout. Do we need to do the same for the southern region? No, okay.

MS. TONI KERNS: The southern states set their own trip limits to match. They can set their measures however they deem necessary, as long as they don't exceed their quotas.

CHAIR GEER: Jeff Kaelin was the motioner and Doug Grout was second.

MR. KAELIN: Thank you for clarifying the motion, Toni.

CHAIR GEER: Okay, we have that up there. Is there any other discussion on this? Nichola, do you have a comment?

MS. MESERVE: A question for the motion, Mr. Chair. I just wanted to check if this is setting the trip limit for one year or two. I see fishing seasons and seeing FY2024-2025. You know it is a little bit unclear to me if this is one year or two. Just the one year was meant, hopefully the proper interpretation.

CHAIR GEER: Mr. Kaelin, you want to clarify that?

MR. KAELIN: I wanted it to be for two years, so **it should be 2024-2026.** The intent was for two years, not one year.

MS. KERNS: Then we need to say fishing year, so move to approve 2024-2025; and 2025-2026.

CHAIR GEER: Mr. Kaelin, does that meet with what you intend for the motion?

MR. KAELIN: It is, Mr. Chair, thank you.

CHAIR GEER: Mr. Grout are you okay with that. Are

there any other comments or discussion? Nichola's hand is up again. Nichola.

MS. MESERVE: I apologize, that was left over.

CHAIR GEER: Chris Batsavage.

MR. CHRIS BATSAVAGE: Just a question for the motion maker and seconder. You are okay with just setting the specification with trip limits for two years, but we just had specifications for three years. Just wondering if that was your intent, because you have two years for the trip limits, even though we just did three years for the specifications, just trying to understand.

MR. KAELIN: I was just trying to follow along with the presentation, and I thought we could only do it for two years. Is that a misunderstanding, or should we add the third year?

CHAIR GEER: I believe we can do it for all three if we want. I think we can.

MR. KAELIN: Then we should do that. I thought we could only do it for two. I thought that was what I read earlier. But we'll add a third year if that is okay, to match the specification period. That is a good point, Chris. If we can do three, let's do three.

CHAIR GEER: You're the maker of this motion, if you want to change it.

MR. KAELIN: I do want to change it if we can.

CHAIR GEER: Do we have to have an alternative motion, since it's already 7,500 pounds.

MR. KAELIN: That looks good.

CHAIR GEER: That meets with your approval. Is that okay? James just let me know, we could have gone up to five years. Mr. Grout, you're okay with this as well? Okay, Jeff, we've changed it so much, I'm going to ask you to read it out again.

MR. KAELIN: Of course, Mr. Chairman. I **move to approve the northern region trip limit for spiny**

**dogfish fishing years 2024-2025; 2025-2026; and 2026-2027 at 7,500 pounds.** I think we need to add spiny dogfish, so what's written there. Move to approve the spiny dogfish northern region trip limit, that looks good to me.

CHAIR GEER: You've got it. Mr. Grout, you're okay with this? All right, thumbs up. **Is there any opposition to this motion? Yes.**

**MS. MURPHY: If NOAA Fisheries could please abstain.**

**CHAIR GEER: All right, thank you very much. Hearing no objection, this motion is passed by the Board by unanimous consent with one abstention from NOAA Fisheries.** I apologize, Jeff, probably what I should have done was asked up front, I should have asked you if you wanted to do one, two or three years, and we could have saved ourselves 15 minutes of our doing this.

MR. KAELIN: I should have let Luisi go with it.

#### **ELECT VICE-CHAIR**

CHAIR GEER: Moving on to the next item is election of a Vice-Chair. I'm looking for a motion, Mr. Batsavage

MR. BATSAVAGE: I **move to nominate Joe Cimino as Vice-Chair of the Spiny Dogfish Management Board.**

CHAIR GEER: Do I have a second to that motion? Mr. Luisi. **Hearing any discussion on the motion. Having none; the motion passes unanimously.** Joe, congratulations, and thank you for your service. I have Nichola's hand is back up again, so Nichola.

MS. MESERVE: Congratulations, Joe. I wanted to check in with staff as to the status of quota rollovers. Now that the stock is above its biomass target, Addendum III authorizes 5 percent of unused state or regional quotas to be rolled over. Is it implicit in the prior motions that the state and regional quotas may be adjusted for FY2024 based on that quota rollover? Thank you.

CHAIR GEER: James.

MR. BOYLE: Yes, so with the stock status the way it is, the 5 percent rollover is allowed for the next fishing year. Given in the past it looked like this was done kind of automatically, with a preliminary quota memo being sent out in May. Given the kind of fine margin between those potential landings and the potential quotas, given the way they are.

It would be more prudent to send out a preliminary quota memo with rollovers in October, when landings from the previous fishing year have a bit more time to be closer to finalized. That seems to be the process that would work best for us, and for states to let us know ahead of time that they want to do it, so we can do it on a state by state or region basis, instead of doing it for the whole coast, or every state is possible automatically.

CHAIR GEER: Toni.

MS. KERNS: Just to point out that because we are at such close margins with this quota, one thing that the Board should take into consideration is that states will have a different quota than that of NOAA Fisheries. Our quota will be higher than theirs. If the full coastwide quota is projected to be reached, NOAA will close, and it could close before a state has harvested all of its quota. That would potentially disadvantage a person that is a federal permit holder, if our quotas are higher than the feds.

CHAIR GEER: Any other discussion on that item?  
Nichola.

MS. MESERVE: What Toni has just pointed out, that potential mismatch. It occurs to me that there was a similar concern recently regarding black sea bass commercial quotas, and how a state's potential overage of a state-specific quota could have the same impact, in terms of impacting another state.

That their fishery is later in the season, and the federal closure occurring to curtail our fishery before the state quota is reached, and that there is a soon to be approved, I believe, change to the

rules there that would have the federal in-season closure trigger for black sea bass occurring when landings are at 105 percent of the coastwide quota.

That may, just food for thought for now, but I think that may be a tool that we might want to think about using for spiny dogfish, or trying to pursue for spiny dogfish in the future. If we maintain a biomass above a target, that will continue to provide for different coastwide quotas between the ASMFC and the federal perspective of that. That's all for now, thank you.

CHAIR GEER: Any comments or discussion with what Nichola just spoke about? Something to consider for the future.

#### **ADJOURNMENT**

CHAIR GEER: Is there anything else to come before this Board today? Any other business? All right, hearing none; this meeting is adjourned.

(Whereupon the meeting adjourned at 4:05 p.m. on Tuesday, January 23, 2024)