

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

**Radisson Hotel Old Town
Alexandria, Virginia
May 10, 2007**

TABLE OF CONTENTS

Call to Order	1
Approval of Agenda.....	1
Approval of Proceedings.....	1
Public Comment.....	1
Management Options for Interstate Fishery Management Plan.....	2
2006-2007 Spiny Dogfish Quota Overage Payback	21
Other Business	24
Adjourn	25

INDEX OF MOTIONS

1. **Approval of agenda by consent** (Page 1)
2. **Approval of proceedings of January 30, 2007.** (Page 1) Motion by Patrick Augustine; Second by Patton White. Motion Carried. (Page 1)
3. **Motion to include circle hooks in Issue 5, Option B in FMP.** (Page 11) Motion by Louis Daniel; Second by Malcolm Rhodes. Motion Carried. (Page 11)
4. **Motion regarding dogfish overage in Period 2.** (Page 22) Motion by Roy Miller; Second by Peter Himchak. Motion Carried. (Page 23)
5. **Motion to appoint Dr. Donna Fisher as economist to TC, PRT, and PDC.** (Page 24) Motion by Mark Gibson; Second by Terry Stockwell. Motion Carried. (Page 24)
6. **Adjourn by consent.** (Page 29).

ATTENDANCE

Board Members

Terry Stockwell, ME, proxy for Lapointe (AA)
Pat White, ME (GA)
Sen. Dennis Damon, ME (LA)
John Nelson, NH (AA)
Ritchie White, NH (GA)
David Pierce, MA, proxy for Diodati, (AA)
William Adler, MA (GA)
Vito Calomo, MA, proxy for Rep. Verga (LA)
Mark Gibson, RI (AA)
Eric Smith, CT (AA)
Gordon Colvin, NY DEC (AA)
Pat Augustine, NY (GA), Chair
Brian Culhane, NY, proxy for Sen. Johnson (LA)
Peter Himchak, NJ DFW, proxy for Chanda (AA)
Erling Berg, NJ (GA)
Dick Herb, NJ, proxy for Rep. D. Fisher (LA)

Roy Miller, proxy for Emory, DE (AA)
Bernie Pankowski, DE, proxy for Sen. Venables (LA)
Howard King, MD DNR (AA)
Bruno Vasta, MD (GA)
Jack Travelstead, proxy for Bowman VA MRC (AA)
Kelly Place, VA, proxy for Sen. Chichester (LA)
Louis Daniel, NC (AA)
Jimmy Johnson, NC, proxy for Rep. Wainwright (LA)
John Frampton, SC, (AA)
Malcolm Rhodes, SC (GA)
Robert H. Boyles, Jr. SC (LA)
Spud Woodward, GA, proxy for S. Shipman (AA)
April Price, FL (GA)
Bill Johnson, FL, proxy for Rep. Needleman (LA)
Bob Ross, NMFS
Margo Schulze-Haugen, NMFS

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

Ex-Officio Members

Staff

Vince O'Shea
Robert Beal

Chris Vonderweidt

Guests

Chris Moore, NOAA
Tom Meyer, NOAA
Steve Meyers, NOAA
Angel Bolinger, MD DMR

Allison Luettel, MD DMR
Bill Windley, MSS/RFA
Wilson Laney, USFWS/SAFCO
Frank Cozzo

The meeting of the Spiny Dogfish and Coastal Shark Management Board of the Atlantic States Marine Fisheries Commission convened in the Washington Ballroom of the Radisson Hotel Old Town, Alexandria, Virginia, on Thursday, May 10, 2007, and was called to order at 11:00 o'clock, a.m., by Chairman Eric Smith.

CALL TO ORDER

CHAIRMAN ERIC SMITH: If members of the public in attendance would like to comment on an issue unrelated to anything that's listed on our agenda, our new policy is that we ask you to sign up on the sign-up sheet at the back left, my left, table so that we get a sense of how many people want to speak and we can allocate the public speaking time for that purpose. Again, that's for items that are not otherwise on the agenda so please sign up for that public speaking period. Thank you.

Okay, this is a meeting of the Spiny Dogfish and Coastal Shark Management Board. My name is Eric Smith. I'm the chairman of the board for some other period of time off into the future and I, frankly, forget, although we have very nice meeting overview documents now. And that reminds me I just took over last November so I'm with you for a while. So, refer to this as a handy guide to the kinds of things we will be doing today.

We have a couple of initial consent items. Is there a motion to approve the agenda or are there issues that need to be added? I know of one, as a matter of fact, so, Chris. Well, we will have a nomination for an addition to our various advisory panels. We will take that up under other business. Are there other items to be added to the agenda? Peter Himchak.

MR. HIMCHAK: Mr. Chairman, I guess it would be appropriate at this point to advise the board about recent activities within the State of New Jersey pertaining to the spiny dogfish commercial fishery and our Marine Fisheries Council working with the fishing community.

CHAIRMAN SMITH: Pete, could we simply add an item to the agenda and do it under other business because it's not otherwise listed, rather than taking?

MR. HIMCHAK: Yes.

CHAIRMAN SMITH: Yes, okay. So New Jersey would like to report on the status of its commercial fisher. Is that right?

MR. HIMCHAK: That's correct.

APPROVAL OF AGENDA

CHAIRMAN SMITH: Okay, thanks. Other items for the agenda. Seeing none, **without objection we'll approve the agenda.** Thank you.

APPROVAL OF PROCEEDINGS

CHAIRMAN SMITH: Is there a motion to approve the proceedings from the January 2007 meeting?

MR. PATRICK AUGUSTINE: **So moved,** Mr. Chairman.

PUBLIC COMMENT

CHAIRMAN SMITH: Motion made by Pat Augustine; second by Pat White. Is there objection to approval of the proceedings? Seeing none, they are approved. Public comment period. Now, if someone on staff would grab that – nobody on public comment. Thank you. So, items on the agenda if appropriate. We have a slightly revised and improved process for public comment.

On issues that, for which we have had recent public hearings and the board needs to act we may not take public comment. It will be a public meeting in the sense of it's open and transparent and people are allowed to observe but when we have to make our decision we need that time to make it.

However, if we start to make adjustments to things that have been out to hearing then subject to availability of time we will take public comment item-by-item. So that's a relatively new process. So far this week it seems to have worked pretty well. We may not actually need to do that in this agenda. So, having said all of that we are at Item 4 on the agenda. This is the management options for the Interstate Fishery Management Plan for Coastal Sharks and Chris will walk us through that.

**MANAGEMENT OPTIONS FOR
INTERSTATE FISHERY
MANAGEMENT PLAN**

MR. CHRISTOPHER VONDERWEIDT:
Thank you, Mr. Chairman. So as you guys know because you tasked the plan development team with it we've been developing an Interstate Fishery Management Plan for Coastal Sharks and I'm just going to kind of walk everyone through this.

And I think that probably the best format for us to go is there is a number of different issues. I think there is about 35 contained in the plan. And after each issue if a commissioner would like to give advice or would like to make a motion to remove this issue I think it would make the most sense to do that as we go through the issues rather than at the end where things could get jumbled because, as you will see, there is a number of different sectors and different areas of the plan.

So, just to start you off with a timeline – and I put on there it's an ambitious timeline depending on the public comment period, depending on how long it takes the plan development team to draft the other, but we're hoping to stick with this timeline. So, what we've already done, August 2005 you guys all initiated the development of the Shark FMP after which the plan development team created a public information document which was approved and sent out to public comment which takes us to the highlighted red component.

We're here with sort of a pre-draft to provide the board with management options where they can tell me what you would like the plan development team to do. And we'll go back and make those changes. We will then, hopefully, bring you guys back a draft for public comment. Now, between now and the next meeting the technical committee is going to have to meet and develop some technically rigorous options for the plan. Those will kind of shake out. As we go you will understand more what I mean.

And then in between now and the next meeting the plan development team will make the changes to bring back to you guys. At the August 2007 meeting hopefully the board will approve the FMP for public comment, after which it will go out for public comment. At the

October 2007 meeting, the annual meeting – I believe it will be in Rhode Island – the board will approve, hopefully approve this for the final FMP after which it will become law.

So, there is kind of four things that everybody needs to understand kind of where the plan development team was coming from. And after going back and reading the minutes from previous board meetings, the public information document, and letters that we received from commissioners and other groups as far as goals, we figured out that there were four main areas that we should focus on.

So, Number 1 is that we should provide options that are complementary to federal plans. Number 2 is that we need to provide protection in nursing grounds and pupping areas. Number 3 is that we need to eliminate loopholes between, within the shark fisheries. So right now it's possible for fishermen to catch pelagic sharks and say they caught them in state waters after the federal quota has been closed.

And even though it's ridiculous based on the biology of pelagic sharks you can't prove where they were caught so, you know, that's a loophole right there. So we're trying to get rid of any loopholes that might arise between our plan and the federal plan. And then, Number 4, this is kind of important, at this point more options are better than fewer options so there might be some options in here that you might consider ridiculous to require of fishermen. We just figured we'd put them in, let you guys make the decisions.

Another consideration that needs to be made is that currently the Office of Highly Migratory Species is developing Federal Amendment 2 which will override all previous shark management documents. And within this pre-draft they are considering new boundaries so they're managed with a North Atlantic stock and a South Atlantic stock, possibly combining those two together.

They're considering new seasons so right now they're on trimesters so that could change and, you know, this all falls into our quota allocation with the feds. And they're also considering new species groupings which they could possibly separate black tip and sandbar sharks from the large coastal shark complex.

It was stated in the pre-draft that their completion date goal is January 1st of 2008 which, you know, if they can follow it is a couple of months after ours. But, you know, hopefully you can get these in together. And basically this requires flexible options in our plan so we can change things to be complementary as we feel necessary.

So kind of the first thing that the plan development team did was we figured out how to group the species and how to anticipate if the Office of Highly Migratory Species removes black tips and sandbars how do we adjust for that. So, we defined groups and managed by a group. So right now HMS has large coastal, small coastal, pelagic and prohibited on the species group and each one is given its own quota except for prohibited which you cannot land.

Now, large coastals, at the last stock assessment the peer review said it's inappropriate to manage these as one complex just because in biology they're so different. So, in the case that black tips and sandbars or other species are pulled from that group, we have put the wording in that an individual species can be dedicated as a group.

Now, this is kind of counterintuitive. How can an individual species be a group? You know it's defined in there that a black tip could be its own species group. We could set an individual quota for black tips or an individual species so if anybody wants to comment on that or make suggestions, now would be a good time. All right, so Issue Number 1 – what? Oh, I'm sorry.

CHAIRMAN SMITH: Excuse me, there is a question on that. Louis Daniels or Daniel.

DR. LOUIS DANIEL: Thank you. I just wanted to make a comment on that alternative or that opportunity. I think having the black tips pulled out of the large coastals makes a lot of sense because of their coastal nature. They're caught with the small coastals. And I think that there would be some, a lot of positive benefits to adding black tips into the small coastals and managing them based on that cumulative quota. I'm not sure about sandbars.

I know we've got a lot of, there is a lot of concern about sandbars and unless the intent would be to pull them out and then close them,

I'm not sure how we would benefit a lot from having a large coastal fishery and not allowing them to land sandbars because of the bycatch problems there. But I certainly would speak in favor of moving black tips into the small coastals to minimize bycatch in the small coastal fishery but also take advantages of a reasonably healthy fishery.

CHAIRMAN SMITH: Thank you. And could I just suggest that that's a worthwhile comment and at the right stage of this process. If I could suggest that today we should be process oriented and make sure we have the things in the document that put us in a position to make that very kind of decision at the right time.

So that's a real good example of the kind of thing we'll want to do downstream. And we want to make sure the document, as it develops, gives us the latitude to make those decisions. So, I would hope that we all look for things, procedural things missing, procedural things needing to be added, things that could be tossed out but let's be wary a little bit about that. Okay. Thank you.

MR. VONDERWEIDT: So I think that the language in there gives the board flexibility to make that designation, Dr. Daniel. But I'll go back and double check that. And just one point is that on the CD the management board was provided with a draft which is, you know, written just like a fisheries management plan. And there is also kind of a Cliff Notes sheet and this presentation should follow along with that. So, if you'd like to look more at the actual language contained, that's a good way to do it.

So moving on to smooth dogfish, whether or not to include them as a species group, so the considerations here are that right now the Office of Highly Migratory Species does not manage spiny dogfish and has no plans on including smooth dogfish in their management unit. So right now spiny dogfish is managed by the Northeast Regional Office of NOAA in a separate area.

So including smooth dogfish we could potentially or, and if NERO in the future chooses to manage smooth dogfish under its own management plan we would possibly be including a species that HMS does not include in our plan so we would have to coordinate between two different agencies and also develop

quotas that are separate.

And one of the problems that might arise here is that there is kind of a lack of data with smooth dogfish so in setting the quotas we could possibly have to go with historical landings as our benchmark and say we're just going to go with the average of historical landings which, you know, it's kind of a Pandora's box.

People seem to feel very strongly about smooth dogfish. There is also a loophole right now where there have been claims made that people will land smooth or spiny dogfish and report them as smooth dogfish after the quota so these are just the considerations to, for this decision.

CHAIRMAN SMITH: Okay, just to make sure we're all literally on the same page, this looking thing is the document that Chris has suggested we work from which is kind of a matrix of the various options and issues that we will go through. And it's got them in abbreviated form. The document that says "Draft" and it starts with the word "Prologue" has behind it the fuller document with more justification for these various options.

And if you need to refer to that for additional background when you're looking at the things that are on the screen, you ought to refer to that. Because behind the prologue page it's "Draft for Public Comment" of the interstate plan, simply so we know, all, what we're working from. So the first question, does anyone disagree with having this issue in the document or do you feel that something should be added to the options, A,B,C, or add a fourth? Okay, seeing none, Chris.

MR. VONDERWEIDT: Thank you. Moving on, so this management document is kind of broken up within five sectors and so it might sound like something is repetitive but it might be covered by all five different sectors or all four different sectors and so this is kind of the format that this presentation is going to take.

And so to start with are the recreational shore anglers, the guys who catch sharks from shore but they don't sell them. And to be perfectly honest we don't have a good picture of state shark fisheries right now. That's one of those things that I mentioned for the technical committee is going to look at.

And I've looked at some of the landings and basically two-thirds of the state landings are unclassified sharks so it's kind of hard for us to say what are they catching, what amounts, what species. Hopefully the advisory panel can help us here as well. But that's just something that we need to keep in mind. We don't know exactly what is going on here.

So, Issue Number 1 would be recreational permits. So one option would be we could develop our own recreational shark permit as a coastwide recreational shark permit. There is no recreational shark permit that we have right now in place. Option B is that currently as part of Magnuson reauthorization NMFS is developing recreational fishing permits so they can get a recreational registry going.

So we don't know what is going to be, what will be part of these permits but once established we could require the NMFS recreational permits. Or, Option C, we could simply not require the permits, any permits for recreational shore anglers.

CHAIRMAN SMITH: Okay, do you agree with the issue and do you agree with the options or would you like to add to the options? I'll – seeing no hands, let me make a suggestion and see if it resonates with the rest of the group. Having species group specific permits in state agencies tends to be inconsistent with how we have done this thing over time.

I, for one, don't want to get into a species or a group-specific permit and find a proliferation of them. Does anyone, would anyone agree that Item Option A should be reworded to say "state license" by which we would then count participation? Is there disagreement with that change? Pat.

MR. AUGUSTINE: Well, Mr. Chairman, only in the fact that it's going to be a saltwater creature, or animal, so why would it not qualify under a marine registry or for a marine license or a permit such as we have to –

CHAIRMAN SMITH: It would. My suggestion is A would say "state license"; B would say "NMFS permit requirement"; C would say "no permit requirement." The change is simply instead of having a shark-specific permit it's a state fishing license.

MR. AUGUSTINE: Thank you for the clarification. I misunderstood. And then on the next, Line 4.2.1.1 we need to learn how to spell license.

CHAIRMAN SMITH: Well, those editorial comments will be well-received if you send them afterwards. And Chris asked a question as I was listening to that one. No, all states do not have a saltwater license. That's an issue that, of course, in the public comment period will wax or wane depending on whether a state has one or not.

The issue is whether we lose anything that we want to retain by not having a state shark permit relative to gaining by states just simply issuing a license and then in effect it's for all species that they allow fishing for. Okay, so having seen no objection, that change would be made that would say "state fishing license" under A. Okay, Chris, go on.

MR. VONDERWEIDT: And would you want me to add to that "except for states which don't have a recreational state permit" because that would kind of create a –

CHAIRMAN SMITH: No.

MR. VONDERWEIDT: No, okay.

CHAIRMAN SMITH: Let the public comment flow. The states that don't have them will come to the public hearings and tell us exactly what they think of this and that's appropriate. And the states that have licenses will, theoretically, come and say there is a reason for that. I don't want to preclude that comment. Thank you.

MR. VONDERWEIDT: All right.

CHAIRMAN SMITH: Wilson Laney.

DR. WILSON LANEY: Eric, just a real minor comment, then. If you're going to change the option column to read "state license" then under negatives should it say "license system would have to be set up" instead of "permit system"?

CHAIRMAN SMITH: Yes, thank you. We will have to make some conforming language adjustments in the positive and negative columns. That will be editorial. Gordon Colvin.

MR. GORDON C. COLVIN: You know, the state is still paying the paycheck here for another

month but I still have to look ahead to tell you Option B isn't worded right and, you know, NMFS is not creating a coastwide recreational fishing license, period. So I think I would just ask that there be appropriate consultation with the service to get that language right.

NMFS is creating a registry of anglers and that registry will cover angling in certain specified categories of activity as provided for in the Magnuson-Stevens Reauthorization Act and in fact might well not apply to shore anglers fishing in the state territorial waters for sharks.

CHAIRMAN SMITH: Well, yes, two points there. The editorial changes we'll make, so make that note because we need to reword that carefully. It begs the question whether there is a need for a fourth option in there or not, in effect request that Congress revise the Magnuson Act to require a federal permit everywhere, I mean as a possibility. Louis Daniel.

DR. DANIEL: I think NMFS, we already have an HMS permit in federal waters if you want to retain a shark. I guess – and I don't want to jump ahead or do anything but one issue here is, you know, breaking out shore anglers and boat anglers. And I think you can make this document much simpler if you treat anglers as anglers. I'm not really sure what we benefit from breaking out shore and boat. And I think it would make it more concise and less confusing.

CHAIRMAN SMITH: That's a good comment and let's just take a minute to talk about that because that will do two things. It will shorten the document, make it easier to comprehend. And it will also shorten our time, reducing redundancy. Is there any disagreement with the notion that the recreational component of this shore versus vessel based should be brought together and just be referred to as recreational fishing? Sure, Chris.

MR. VONDERWEIDT: Louis, it was separated so that we didn't exclude anybody from the shark fishery. We'll get into, in a little, in a few slides, size limits, which species are allowable to recreational anglers. So one of those options is the most easily recognizable, commonly caught sharks.

So that could be different for shore anglers and recreational anglers. And those size limits could, the sharks that you catch from shore would be

different than the sharks that you're going to catch in a boat. That's a possibility. And, like I said before, we're not positive on the state shark fisheries so it was split so that maybe we could get comment on the appropriateness of this and so that we don't exclude any shore anglers from the recreational fishing language.

I'm not saying that we can't change that. I'm just saying that was the thought process behind it. But as we get further along there are some specific size limits and permitted species, which could be different for vessel and shore.

DR. DANIEL: Well, I think that it certainly confounds enforcement. I mean our enforcement committee would probably have a fit over something like this if we were going to have different regulations for shore-based anglers versus boat anglers.

And certainly from my experience, at least in South Carolina, Virginia, and North Carolina, you know, you can catch the same sharks from the shore as you do from a boat. And I don't know that we want more variable size limits or harvest restrictions on one sector than the other. I would just, I would suggest that we lump the recreational community into one component and not to –

CHAIRMAN SMITH: Is there any disagreement with that? Okay, let's make that change. Okay. Issue 2 of what will now be recreational. Is that correct?

MR. VONDERWEIDT: Yes, so I'm just going to skip ahead to recreational vessel since we're combining these, which would be –

CHAIRMAN SMITH: Okay. You want to work from the recreational vessel ones?

MR. VONDERWEIDT: Yes.

CHAIRMAN SMITH: Okay. So we're on Page 3, unnumbered but Page 3 and where it says "recreational vessel, Number 2, permitted species."

MR. VONDERWEIDT: All right, so this slide contains the wording that Mr. Colvin was uncomfortable with as far as the NMFS permit and we will go back and look at it. But so, as far as recreational shark permits, the Office of HMS has their open access vessel permits. So one of

those options in here is to require an HMS recreational permit to, on any boat catching sharks in state waters recreationally.

You could literally go on your laptop right now and have a permit within 15 minutes, however long it takes you to enter your credit card information. Another option is require a state recreational vessel permit which we would have to set up or all non-commercial fishing vessels must have an HMS permit. Option D is charter boats and Option D is all the boats must have this permit. And then Option F is that the permits aren't required.

CHAIRMAN SMITH: Okay, is there any – pardon me. On Recreational Vessel Number 1, the fishing license, the items A through F, is there any disagreement, any additions you'd like to make? Okay, seeing no changes – oh, Roy.

MR. ROY MILLER: Mr. Chairman, I'm confused. If we're contemplating doing something with smooth dogfish, you don't presently have to have a highly migratory species license to retain smooth dogfish so I'm not sure if these options include that concept.

MR. VONDERWEIDT: No, they don't. This is kind of one of those things where if the board decides to go with smooth dogfish we're going to have to go through every single one of these issues for smooth dogfish just because it's managed under a different regime sort of so that kind of ties in with what we would consider not including it with the plan.

CHAIRMAN SMITH: Roy, you seem perplexed and so am I. Chris, are you suggesting we would have to go back and make up an entirely new matrix just for that species or could we simply somehow in an umbrella sense add that with the understanding that that species is covered under all of these?

I mean I understand Roy's point about that permit requirement. But I'm trying to avoid the redundancy of doing this for all the things that are managed under HMS rules and then go back and do it all over again for dogfish, smooth dogfish. So how do we avoid that I guess is my question.

MR. VONDERWEIDT: Well, we would avoid that by removing smooth dogfish from the management unit and then down the road if

NERO decides to draft a fisheries management plan for smooth dogfish we draft one of those as well. And as the dogfish and shark coordinator that would be by I, myself, as the chair of the plan development team and, you know, that's something that's feasible to do. So that's how we would, or –

CHAIRMAN SMITH: Bob.

MR. ROBERT E. BEAL: Well, I think the other way to do it is if the board ultimately decides to include smooth dogfish would be essentially to have the same license requirements for smooth dogfish and the highly migratory species that are included in this plan.

The federal permit doesn't, isn't required for smooth dogfish at this time but you know the states can put provisions in that say you know even if you are retaining smooth dogfish you have to have the federal highly migratory license or something along those lines that kind of put provisions above and beyond what's required at the federal level, you know, onto state fishermen that are interested in retaining smooth dogfish I think is probably the best way to do it.

CHAIRMAN SMITH: I'm sorry, that's a decision we can make somewhat down the stream after the technical committee has given us a recommendation.

MR. BEAL: I think so. If there is the, you know, kind of general umbrella language I think you said upfront.

CHAIRMAN SMITH: I don't want to lose it here but I don't want to preoccupy ourselves here yet, either.

MR. BEAL: Yes.

CHAIRMAN SMITH: However, if there is no disagreement, however we captured the concept of possibly adding smooth dogfish into this management system we ought to keep that door open for ourselves. I mean and how we word that we'll have to figure out at a later date. Is there any disagreement with that? Okay, seeing none, let's do that. Chris.

MR. VONDERWEIDT: Okay, moving on to recreational vessel permitted species, the options here would be catch and release only. There is kind of some identification issues which have

been identified as high priority for highly migratory species. So catch and release would take care of harvesting juveniles of prohibited species or, you know, species that the quota has been landed or whatever.

Option B would be to retain the most commonly caught species, which are easily identifiable. That kind of also addresses that concern. And it says here that the permitted shore fishing species may be different than vessel fishing. Just ignore that. And, Option B is being considered by the Office of Highly Migratory Species right now as a change to the recreational plan.

Option C would be recreational retention of any managed species not on the prohibited list, which is consistent with highly migratory species. And then the possession limits we'll get into in another slide. So Option C is what is in place right now, which could change to Option B. And then Option D is permit recreational landing of any species consistent with what HMS has in place. Our regulations would change by default whenever their regulations change.

CHAIRMAN SMITH: It's an option. Is there any – Gordon Colvin.

MR. COLVIN: Just as to Option D and how it's worded, I think we want to be precise and that if federal regulations change then the requirements or the compliance requirements or however you want to put it of the interstate management program would change by default as opposed to state regulations change by default.

State regulations only change when we change them and we don't do it by default. In most instances our Administrative Procedures Act requires something to be done and it's probably different in every state. But there is – we're not going to be able to make those changes automatically, I don't think. Because you certainly can't in New York. It's a royal pain in the neck to incorporate federal regulations by reference. You can't do it proactively.

CHAIRMAN SMITH: So you would be changing the word "state regulations" to "FMP requirements."

MR. COLVIN: Right.

CHAIRMAN SMITH: Thank you. Other comments on Issue 2. Okay, seeing none, Issue

3 is possession limits.

MR. VONDERWEIDT: Possession limits. Option A, maximum harvest of one shark from the large coastal and small coastal or pelagic species group per trip in addition to one bonnet head and one sharp nose per day. This is what current federal regulations say. Option B would be one bonnet head and one Atlantic sharp nose per day.

And then Option C, possession limits different than A or B, and this could be something that the technical committee could investigate which species should be allowed or should we be allowed to harvest in state waters, you know, based on life histories and conservation and the status of the stocks and whatnot.

CHAIRMAN SMITH: Louis.

DR. DANIEL: This is I guess the only place where I see the shore and the vessel problem because the way I understand the possession limits here it's one for A. You'd be able to retain one large coastal, small coastal or pelagic and one so that would be three fish on the boat. But if two people went to the beach and fished they could keep that same limit. So there is a confusion in terms of individual limits versus boat limits and I'm not sure how to resolve that unless we just say per angler or per person per day rather than per vessel.

CHAIRMAN SMITH: Let me make sure I understand you. In the first sentence of Option A does that mean one fish from each of those groups because I read it to say that it's one from any one of the three so it's one fish?

DR. DANIEL: But the problem is that that's per vessel.

CHAIRMAN SMITH: Yes.

DR. DANIEL: So if you have six people on the boat, you can have three sharks. If there are two people on the beach they can have each six sharks. So it does create some confusion I think in terms of vessel limits versus per person limits.

CHAIRMAN SMITH: Right. Okay.

MR. VONDERWEIDT: I'll just include an option.

MS. MARGO SCHULZE-HAUGEN: Just a point of clarification. The federal limits are one shark so that would be the large coastal or small coastal or pelagic. And then the sharp nosed and bonnet head are per person and that it is a vessel based regulation. So, you could have, you know, pick your numbers. You would multiple the people onboard by the sharp nosed and bonnet head but then it would only be one for the entire boat of any of the others.

CHAIRMAN SMITH: Go ahead.

MR. VONDERWEIDT: And we can include in this issue, Dr. Daniel, an option which clarifies what recreational shore fishermen are allowed to catch and we could say you know if you're fishing from a vessel you get this; if you're fishing from shore, you know, you're allowed that. So I'll include options to address that.

CHAIRMAN SMITH: Two questions going on here. Does that satisfy your concern, Louis?

DR. DANIEL: Yes, and I think Margo's clarification was helpful, too.

CHAIRMAN SMITH: Yes, that's the other one. We need to get that because that's an editorial change we need to correct and get that right. Thank you. Okay, Issue Number 4 – anybody else on this issue? Seeing none, okay, Issue 4.

MR. VONDERWEIDT: Okay, size limits. Option A is that sharks caught in the recreational fishery need to have a fork length of at least 4.5 feet and there is no size limit for bonnet head or sharp nosed. This is consistent with the federal regulations. Option B would be a minimum fork length greater than 4.5 feet.

Option C, on an individual species basis which the technical committee would need to develop and even the feasibility of that – it may not be feasible but, you know, they could come back and say that. And then Option D is a fork length set by a species group basis. And then Option E, when I went back and did this presentation I noticed it was not on the draft in the CD but no minimum size limits. So that's going to be included as well.

CHAIRMAN SMITH: Roy.

MR. MILLER: Just quickly, again, this is another example where the smooth dogfish

special category needs consideration since they seldom reach 4.5 feet.

CHAIRMAN SMITH: I was going to suggest if we had a uniform size limit for all species of that size we could save a lot of lobsters and a few other things. Yes, I'm not quite sure how to, still how to deal with the smooth dogfish thing but maybe just keeping the placeholder in there because it has a, that issue downstream has an affect on some of these generic issues. Thanks. David.

DR. DAVID PIERCE: Yes, Eric, regarding smooth dogfish and limits, recreational limits for smooth dogs, is there a recreational fishery for smooth dogfish anywhere up and down the coast? It's a species recreational fisherman, I would think, try to stay away from. Unless there is something in North Carolina or Virginia where there actually is a directed fishery by recreational fishermen for smooth dogs, is it really an issue?

I don't think so. Spiny dogfish and smooth dogs, it's a pain in the neck. You catch them and you throw them back because you don't want them. So are we making more out of the smooth dogfish than we should, at least with regard to recreational fishery restrictions and in this particular case size limits?

CHAIRMAN SMITH: If you change the word "smooth" to "spiny" it isn't really, though. I mean we get ourselves, you know, wrapped up a little bit as we have you know in what the potential catch might be as given by the statistics and whether it's a significant part of exploitation.

I thought this issue out of the document was that, A, some people might, more commercial, might redirect towards them. Yes, maybe that was entirely commercial. Okay, are you making a suggestion that we not worry about that? We don't need more words in here but are you suggesting it's just not an issue so we shouldn't spend time talking about it in the recreational parts of this?

DR. PIERCE: Yes, that's what I'm suggesting.

CHAIRMAN SMITH: Okay, any disagreement with that just so we know we've had this discussion? Roy.

MR. MILLER: Yes, I do disagree.

CHAIRMAN SMITH: Okay.

MR. MILLER: I agree with David that few people specifically target smooth dogfish but with declining stocks and the limits of other species like weakfish and flounder, smooth dogfish are better than no fish in many people's view points. So, you know, they're retained. They're eaten. It's a little like eels. Seldom do you set out to catch eels on hook and line but you end up catching them and then some people keep them and like them. So I think we should include them.

CHAIRMAN SMITH: Well, we don't need any wording changes but we'll, that was a healthy debate. Any other comments on Issue 4? Louis.

DR. DANIEL: Just to make sure that everyone is clear, there are no size limits for the commercial fishery. And I don't believe they're being proposed, at least in the federal program.

CHAIRMAN SMITH: On smooth dogfish, right.

DR. DANIEL: But the main issue that I have here is to make sure that we get a good analysis of Option D because it does create a significant problem for the small coastals. Those are, we're not catching the quotas. Those are very healthy. But the 4.5 size limit eliminates the fisheries for finetooth and black nosed. And so I just want to make sure that those analyses take that into consideration and it doesn't get lost in the mix.

CHAIRMAN SMITH: Okay. Thanks. Other comments on Issue 4. Okay, seeing none, Issue 5.

MR. VONDERWEIDT: All right, Issue 5, the allowable gear for recreational fishermen. Option A is hand line rod and reel. Option B is hand line rod and reel requiring circle hooks for bycatch reduction. Option C, hand line rod and reel and bandit gear which is, and then Option D, hand line rod and reel and bandit gear, in addition circle hooks are required. I believe this is the option that is consistent with federal regulations. And then Option E would be no gear restrictions for recreational shark fishermen.

CHAIRMAN SMITH: Comments. Pat Augustine.

MR. AUGUSTINE: Thank you, Mr. Chairman. I wasn't sure that the federal plan called for circle hooks. And I've been fishing for sharks for 20 years now. And rarely will you ever see a shark on any kind of hook, caught on any kind of a hook other than in the jaw or the roof of the mouth. But, is this the way National Marine Fisheries Service is going with circle hooks? Are they requiring that as a new one of their requirements? If not, I would like to see circle hooks taken out of there. This might be overkill. I don't know.

CHAIRMAN SMITH: Pat White.

MR. PATTON D. WHITE: Just a question, is there a bait, are the recreational fishermen allowed a bait net?

CHAIRMAN SMITH: I don't know. Margo, you had your hand up. You might want to field that one, too.

MS. SCHULZE-HAUGEN: Well, I was going to respond to Pat. The authorized gear for recreational shark fishing includes hand line rod and reel and that includes downriggers. It does not require circle hooks and does not authorize bandit gear. So it would be probably A with the inclusion of downriggers would be consistent with federal regs as they are written now. We do not have restrictions on bait nets.

CHAIRMAN SMITH: Okay, so your question is answered. And these, Option A, presuming that downriggers are included with rod and reel gear, that would be consistent with federal rules and then these others are options because one state or another has suggested for their waters that they be included. Is there any disagreement with these issues, options? Chris

MR. VONDERWEIDT: I'm actually not familiar but I was under the understanding that bandit gear and downriggers were essentially the same type of gear. Is that incorrect?

MS. SCHULZE-HAUGEN: No, we've defined them differently. I can get you that.

CHAIRMAN SMITH: Does someone from the South Atlantic or someone involved in these fisheries, do you think that it's appropriate to add downriggers to these options? Well, I mean, I'm open to all suggestions and I'm not competent to comment on any one. If you think circle hooks

ought to be in there for state waters, leave it in. If you think it needs to be out, take it out and so forth. The three issues are circle hooks, downrigger, bandit gear. Jack Travelstead.

MR. JACK TRAVELSTEAD: It seems to me in all of these you simply need an option that mirrors the federal requirements. Make it very simple. And that means you need the downriggers in there somewhere.

CHAIRMAN SMITH: Unless we presume that if it's not up there as a prohibition then it's allowed. But it might be better to say Option A, gear specific rules as in federal regulations. I mean is that better for a public hearing or is it more confusing?

UNIDENTIFIED: You've got to tell them what it is.

CHAIRMAN SMITH: You've got to tell them what it is. Okay, so leave it this way. Maybe add downriggers to A then there is no confusion on that point. Spud.

MR. SPUD WOODWARD: Downriggers is just really a carrier mechanism for a line.

CHAIRMAN SMITH: Yes.

MR. WOODWARD: I mean they don't fish by themselves.

CHAIRMAN SMITH: Right.

MR. WOODWARD: I mean versus bandit gear is, you know, is a piece of fishing gear that fishes multiple hooks on a vertical presentation. So a downrigger is not really a piece of fishing gear. It's just a mechanism to get fishing gear into the water.

CHAIRMAN SMITH: So you would suggest no need to put that in to A? Okay.

MR. WOODWARD: I think that would really confuse people.

CHAIRMAN SMITH: Okay, so let's leave that out. A stands as it is. What do you want to do about circle hooks? Louis.

DR. DANIEL: Well, I don't have – I personally like the circle hooks. I don't understand why bandit gear is in there because that's not really a

recreational gear and I'm unaware of any recreational fishermen that use bandit gear. That's a big hydraulic reel with a metal arm and it is as Spud described. It's a commercial hook and line gear.

CHAIRMAN SMITH: Okay, so should – do you agree that we should take the reference to bandit gear out of this issue?

DR. DANIEL: Yes.

CHAIRMAN SMITH: Okay. Any disagreement with that? Seeing none, that will be removed. I sense from Louis that circle hooks is beneficial to stay in. Is there any disagreement with that?

MR. AUGUSTINE: Yes, Mr. Chairman. If it's required I think it is. If you're recommending, that's a different story. And so as it reads it requires and so if that's the fact I would say no, it would be recommended. Change it.

CHAIRMAN SMITH: For going to public hearing would we benefit from the public comment we received if we proposed that it be required or would it tie us in a knot that we don't want to be tied in?

MR. AUGUSTINE: I think it might. If one of the options said recommended and the other one said required, then you'd get a good feel for it from the public.

CHAIRMAN SMITH: But if it's recommended we almost don't have to have it in the document because that's something we could just send out as a notice from the commission saying here are the pros and cons.

MR. AUGUSTINE: Then let's go back to the highly migratory species group. They don't have it.

CHAIRMAN SMITH: Yes.

MR. AUGUSTINE: So why put it in?

CHAIRMAN SMITH: Okay, any objection to taking it out on that logic or would you like to leave it in?

DR. DANIEL: I'd like to leave it in.

CHAIRMAN SMITH: In.

DR. DANIEL: I think with the prohibited species it's a good thing.

CHAIRMAN SMITH: Out. Okay, let's have a motion. Let someone make a motion.

DR. DANIEL: **I'd move we leave a requirement for circle hooks in Option B.**

CHAIRMAN SMITH: Okay. Second is by Malcolm Rhodes. Okay, we've had the debate already. Any need to caucus or discuss further? Seeing none, those in favor of leaving circle hooks in raise your hand; okay, 14; any opposed; seeing none; abstentions; null. Okay, the language stays in. Other comments on Issue 4, I'm sorry, Issue – issue whatever we are on, I can't see it – 5. I'm sorry. Thank you. Other comments on Issue 5? Seeing none, we'll move on to Commercial Issue 1, which is regions. Chris.

MR. VONDERWEIDT: Okay, moving on to general commercial and then you can see 4 and 5 are broken down between shore and vessel. But when we get there we can just skip over to vessel so we're not separating them as to the earlier comment from Dr. Daniel. So, it's not included as an issue with options but right now that the federal highly migratory species manages based on a trimester quota.

So we have written in there it's the annual process for setting fishery specifications in the actual document and so we've designated the fishery go to from January 1st to December 31st, split into three trimesters. And this is so that we can allocate the small quotas or relatively small quotas for the number of fishermen, you know, seasonally, and they're not all taken up early on.

This is kind of just a table to show how things would be regulated under the proposed options. So there are small coastals, the North Atlantic and South Atlantic regions. The technical committee would designate or would give recommendations on an annual quota. The board would vote on the annual quota and they would then allocate it based on the three trimester seasons.

Now if you go to the bottom you see the species in italic, black tip and fine tooth. This is how we would respond or possibly set our own quota, however the board feels the most appropriate, if HMS pulled out black tip and gave them their

own quota or pulled out fine tooth and gave them their own quota.

It doesn't propose to pull out either one of these species. It just gives a flexibility for the board to designate them as their own species group where you could set up the quotas so just kind of an overview of how the general commercial arrangement would be set up. I don't know if anybody wants to –

CHAIRMAN SMITH: Okay, does everybody understand that? Okay, you're going to take us into the options now?

MR. VONDERWEIDT: Yes.

CHAIRMAN SMITH: Okay.

MR. VONDERWEIDT: Okay, Issue 1 is regions: A, two regions, North Atlantic/South Atlantic designated the same as highly migratory species; B is no regions; or C is two or more regions with different geographical splits. And just looking at that right now it could be just one region as well as an option.

CHAIRMAN SMITH: Comments on these options. Seeing none, let's move on, Number 2.

MR. VONDERWEIDT: All right, quotas. This one had a lot of options. It was hard to fit them all in with large text so I put a table in here. Basically, annual is – Option A would be that the board gets together annually, the technical committee gets together annually, gives recommendations to the board which sets an annual quota.

Option B is that the board can set the quotas up to five years but can review them annually if they wish. Option C is an assessment driven schedule so roughly every three years either the large coastal or small coastal assessments are done. And when the assessments are done the board goes back and changes the quota as the technical committee meets and gives recommendations.

Option D is identical to federal specifications. As federal specifications change, the quota automatically change. Option E is no quotas at all. And then you can just disregard Options F through I because this would be applied to a vessel fisherman only but we've already ruled out splitting up vessel and shore fishermen.

CHAIRMAN SMITH: Comments on these five issues. Louis.

DR. DANIEL: I don't have a problem with having the options in there. I do think we will run into some significant problems if we don't mirror the federal quotas. One thing that's not in any of these options and this may be the place, Mr. Chairman, to at least bring up either adding another issue or including it here is what states do when the federal season closes and having some option in this one maybe or another issue that says that state waters will close once the quotas are met and the federal season closes, so to have those two mirrored. Currently that's not the case and one of the major aspects of this plan.

CHAIRMAN SMITH: Okay, is there any disagreement to adding that point? Seeing none, we'll add that in. Is there more under quota allocation? Do you have options, issues for the setting of specifications or any of that?

MR. VONDERWEIDT: No, that was kind of that first slide.

CHAIRMAN SMITH: Okay, all right, so we're at Issue 3, seasonal closures. Go ahead.

MR. VONDERWEIDT: So Issue 3, seasonal closures, going back to the minutes from previous board meetings it was noted that North Carolina, Virginia and Delaware Bay may have significant pupping grounds and nursery areas for juvenile sharks. As of right now it kind of looks like the entire coast could be designated as essential shark habitat so the technical committee is going to go back, look at what data they have and try and get some seasonal and geographic closures that are a little bit more specific.

There is a possibility that we could come back or that the technical committee could come back and say that the data does not exist for this. I spoke to a member of the technical committee last week and she was, she kind of felt that that may be the case. But, either way, the technical committee is going to hold a meeting and try and figure out where these areas are and give our best recommendations, their best recommendations.

CHAIRMAN SMITH: Louis.

DR. DANIEL: There is a tremendous amount of information on this and one of the things that has

just sort of fallen out of this plan that was in there before and some of the earlier arguments was to make sure that all the states were treated fairly in terms of these seasonal closures. And one thing that's not mentioned in here is the significant closure off of North Carolina for shark fishing that essentially eliminates the first two trimesters for the state of North Carolina.

And so one of my hopes in earlier discussions on this board has been to have National Marine Fisheries Service review those and come up with these agreed-upon seasonal closures in the primary pupping areas which we have the information on and sort of distribute that pain a little more evenly and a little more fairly across the jurisdictions.

CHAIRMAN SMITH: Okay, how would you suggest we capture that in here? Does it need a new option under this issue or does it need its own issue?

DR. DANIEL: Well, in here right now it just indicates that, you know, question marks. There is not a question mark for North Carolina. It's there. I mean and it essentially covers the entire coast of North Carolina from January through July or July 15th now. So, I think it's a separate or a sub-issue under seasonal closures and to address how to fairly allocate those closures across the various historic pupping grounds. And that's going to be more of a recommendation to the Secretary, Mr. Chairman.

CHAIRMAN SMITH: All right. I'm noting in the matrix it goes into more detail. It says "spatial and temporal analysis of existing information needs to be conducted" and that's the point you're making. I don't know how we put into this document that we want the outcome to be a more fair distribution of the effect of the seasonal closures. I can understand the desire for that intent.

I don't know how we put it in a – maybe if there is justification behind some of these things we could say something like there is a perception that some states are, carry a larger share of the burden of these seasonal closures than others and part of the analysis is intended to give us a sense of whether the burden of that management strategy could be spread more evenly among those states. Is that the kind of language you'd want?

DR. DANIEL: I think so. If you would give me the latitude to work with staff I'd be glad to do that outside of the meeting time.

CHAIRMAN SMITH: That would be fine. Is there any disagreement to that, adding some text? Okay, seeing none we will do that. Thanks. Number 4.

MR. VONDERWEIDT: All right, moving on to Issue Number 4, commercial size limits: Option A, no commercial size limits – currently the feds do not use size limits for commercial management of sharks; Option B, size limits based on a species group and size limits based on individual species. Now for Option B and C our technical committee would have to develop these options and we'll try to do so at our meeting at the end of June.

CHAIRMAN SMITH: Okay, comments on this issue. Are those three options appropriate? Do you want to add one? Seeing no comment we will leave it as it is. Number 5, shark identification.

MR. VONDERWEIDT: All right, Issue 5, shark identification. Option A is that all sharks must have their head, tails and fins attached to the carcass. And I believe the Office of Highly Migratory Species is considering this option as part of their pre-draft. Option B is for enforcement and identification purposes the second dorsal fin and the anal fin must remain on sharks through landing.

Right now, as some of you may know, there are requirements for dealers or at least a proxy for a dealer to go to these identification workshops. This guy, Eric Sander, has developed a dichotomous key for shark identification which uses the length of the dorsal fin. And you can easily identify any sharks using this dichotomous key. I would have provided the board with one, however we need to buy them at this point and it's still in the final processes.

CHAIRMAN SMITH: Comments on Issue Number 5. Seeing none, Issue Number 6, logbook schedule.

MR. VONDERWEIDT: Okay, Option 6, logbook schedule, so Option A, I tried to condense the language but if you actually go in the document it should mirror exactly what is in the HMS plan right now and basically that the

logbooks must be filled out within 48 hours of completing that day's activities and they need to be sent I believe either every seven days or by the end of the week, but it's a seven-day schedule.

Option B is that they need to submit a fishing record or a logbook form to the appropriate agency every two weeks. In here it says appropriate agency. On the plan development team we tried to figure out, we need, whatever we require we need to make sure that there is a system set up that can handle it.

I've personally talked with the ACCSP staff and they've assured me that they can set in or put in an actual real time system where dealers will report this logbook information that we require to them and then they can send it to HMS as far as quotas go. But such a system can be set up so every two weeks would be the requirement here. Option C would be monthly. And then Option D is they don't have to maintain logbooks.

CHAIRMAN SMITH: A question for you, Chris, in the matrix.

MR. VONDERWEIDT: Yes, Option A should say 1st and 15th of the month as it says in the draft and the matrix.

CHAIRMAN SMITH: In that case, then, what's the difference between Option A and Option B because the first one would say the 1st and the 15th and the other one says every two weeks.

MR. VONDERWEIDT: Yes, Option A just includes the language that they need to enter the

CHAIRMAN SMITH: On, within 48 hours.

MR. VONDERWEIDT: Yes, within 48 hours.

CHAIRMAN SMITH: Okay. Okay, does everybody understand that? Margo.

MS. SCHULZE-HAUGEN: So what's the difference between this and nine, which is the dealer reporting schedule? I guess when I read this initially I thought this was talking about vessel logbooks.

CHAIRMAN SMITH: Chris. Yes, this is vessel log books.

MS. SCHULZE-HAUGEN: This is?

MR. VONDERWEIDT: Yes, so that the vessels

MS. SCHULZE-HAUGEN: Okay, because I thought you said dealer. And the dealer reporting schedule is actually the 1st and 15th. The vessel logbook is a different schedule.

CHAIRMAN SMITH: Yes. The point I was making to Chris and then clarify it if we're wrong, we're dealing with the commercial vessel logbook schedule. The slide says sent every, Option A says sent every seven days. The matrix document says the 1st and the 15th. Which is it for the federal rule?

MS. SCHULZE-HAUGEN: For the vessels it's every seven days.

CHAIRMAN SMITH: Every seven days. So the matrix, the paper matrix needs to be changed. The slide is correct. Okay. Any comment on these four options? Louis. Don't look sheepish, please. You've got good ideas here.

DR. DANIEL: Well, I'm just wanting to make sure that, you know, we have a trip ticket program and I don't want to, you know, step on that and that's not an option. So we have, the fishermen report to the dealers; the dealers then report to the state and then we subsequently report to – so we capture a lot of that information already, and many of the states do in their trip ticket programs. And I'm wondering if we need to do any more than – or at least not have that, at least have that as an option.

CHAIRMAN SMITH: So we need an option that says commercial vessel trip reports made to the dealers. Is that consistent with the ACCSP model? I realize that's what is done in a number of states. I'm a little concerned that we put an option in here that starts to deviate from what we're trying to do with the coastal model. I can't remember that part of ACCSP, though.

DR. DANIEL: I would think that our trip ticket program would be consistent with the ACCSP module.

CHAIRMAN SMITH: Yours is?

DR. DANIEL: And I think ours is very similar to the South Atlantic states, at least, if not

identical, which is where a lot of this is going to occur, anyway.

CHAIRMAN SMITH: Perhaps what we ought to do is simply change the words in Option B and D to say report according to the rules of the appropriate agency. Any disagreement with that? Okay. All right, Number 7.

MR. VONDERWEIDT: All right, General Commercial Issue 7, logbook requirements, and this kind of goes back to at this point more options are better than fewer options. So one or more of the following could be required: logbook requirements that are identical to NMFS logbook requirements.

I wish I could tell you what those are; however, right now I believe they are in the process of changing their logbook requirements and because of the Paperwork Reduction Act it's going to take some time to do that. So we don't really know what is going to be included once it comes back.

MS. SCHULZE-HAUGEN: I think what you might be referring to is we are considering a change in the frequency.

MR. VONDERWEIDT: Yes.

MS. SCHULZE-HAUGEN: But in terms of the actual logbook form and the data that's collected on it, that's tweaked annually but largely remains the same. So slightly different aspects of, you know, the type of information under seven in terms of what is collected on the logbooks is largely going to stay.

MR. VONDERWEIDT: Okay. Going down the various options would be requirements identical to NMFS. Option B would be weight and pound of each species that's caught, weight and pound of each species group that's caught, number of each species, number of each species group, the length of each individual animal, latitude and longitude coordinates where each shark was caught. And it is possible that we could kind of, fishermen don't like to give up the precise location of where they fish so we could set up kind of regions and include that in each region.

And one of the things that we need to take into account for the logbook requirements is that we don't have a good picture of the state shark fisheries so this is going to provide to the

technical committee valuable information so in the future we can tweak our management plan as good as it can be based on solid information or, you know, better information. Option H is to report gear type used. And then Option I is that fishermen don't have to maintain fishing records or logbooks.

CHAIRMAN SMITH: Okay, comment. Bill and then Peter.

MR. WILLIAM A. ADLER: Just an editorial thing here. On the matrix one you should probably mean NMFS instead of HMS?

MR. VONDERWEIDT: HMS is the division of NMFS that manages sharks.

MR. ADLER: I know. Everything else you have NMFS and then this one you have, in this one you have HMS.

MR. VONDERWEIDT: Oh, okay, sure. Thank you.

CHAIRMAN SMITH: Pete.

MR. HIMCHAK: Mr. Chairman, I just want to make sure that this, all these reporting requirements, both for the commercial fishermen and the recreational, would be accommodated under the existing ACCSP program. Here you have an opportunity for developing a database from the beginning that, populating their warehouse, so to speak, and if everybody started in, in the beginning doing so we wouldn't have to, we wouldn't have holes in the data for future years.

On recreational monitoring they have already, the ACCSP has developed a pilot study for our striped bass bonus program. And the reason they did it was to come up with an electronic reporting requirement for other states to use for other species. So I really would want to ensure that we take advantage of the mechanism already established by ACCSP.

CHAIRMAN SMITH: That's a good point because I look up there and I see at least two options that probably don't conform and that's the reporting by group because the ACCSP model is to derive the reports by species. I understand the identification problem, nevertheless.

MR. VONDERWEIDT: May I say something?

CHAIRMAN SMITH: Yes.

MR. VONDERWEIDT: Mr. Himchak, if I understand you properly you're just worried that some of these wouldn't be able to go into the warehouse that the ACCSP currently has. I spoke with actually Mike Cahill from ACCSP and he told me that they can accommodate any of this so they would just add a column that would be latitude and longitude coordinates and it would go in to the warehouse. You know, it might not be required for other species or the general commercial but they could handle this data and it could go into their warehouse. That would not be a problem.

CHAIRMAN SMITH: And by species group, also?

MR. VONDERWEIDT: By species group, sure.

CHAIRMAN SMITH: Okay. All right.

MR. HIMCHAK: A follow-up question, I mean that's encouraging to hear. What about the recreational component, could they do that as well?

MR. VONDERWEIDT: I believe so, yes.

CHAIRMAN SMITH: Okay, Wilson.

DR. LANEY: Well, I direct this question to Pete. I thought your point, Pete, was that some of these may not be consistent with ACCSP standards for data collection. So in that respect if we're basically including options that are not consistent with the standards it's sort of, I mean you can put that information in the warehouse but you're still not meeting the standard which is where I thought you were coming from but I'll let you clarify that.

MR. HIMCHAK: Well, I guess that was implied in my question is that it would be directly imported into the ACCSP program and would also meet their standards as we are trying to do with the lobster database. So, I mean, is Mike's assurance that it would satisfy Wilson's concern?

MR. VONDERWEIDT: I guess whether or not it would meet its standard would be if we chose requirements that were less stringent or that required less information than they require. I

think that that's where – if I'm understanding it correctly, I think that's where the question lies so that that would be a board decision.

DR. LANEY: Well, I'm not intimately familiar with the ACCSP standards. The question was are we including options here that are inconsistent with or that are less stringent, I guess, than ACCSP standards. Yes, Chris, that would be the question. And if we're doing that, I question whether it's an appropriate course to do that. Since all of us are, you know, bought into ACCSP it seems to me we shouldn't be watering down the standards that we've already all agreed to try and meet.

CHAIRMAN SMITH: Well, let me see if I can address why I think these are here this way. And the solution may simply be to add another option that says require reporting consistent with the ACCSP standards and then describe that at public hearings. That said, we have the same problem with the skate plan in New England. People, even scientists without some training, have a hard time detecting the difference between species.

And in a lot of landing systems the sharks are consistently reported as groups, sometimes very broadly aggregated groups. And I'm sure those aren't ACCSP standard but we may be powerless at this time because of the inability to identify to get species' specific reports. So I think this opens the door to try and get better reporting but recognizes that that may not be something we get overnight.

We're four or five year into the skate plan in New England. We made beautiful glossy cards that showed everybody exactly what the differences are to look for and we still have a lot of misidentification. So I think that's the nature of the problem. Now, is there disagreement with adding an option that says reporting to be done according to the ACCSP standard and adding that to the commercial as well as recreational? Okay so we'll add that. Other comments on Number 7. Seeing none, Number 8.

MR. VONDERWEIDT: All right, Issue 8, dealer permits. Option A would be to require a federal dealer permit. One of the considerations that we would need here is that these are limited access permits. I was told by a member of HMS that there are some fishermen who turned down federal permits and plan to fish only in state

waters so if we required a federal dealer permit only these fishermen would be pushed out of the fishery.

Option B would be a state dealer permit. Oh, I'm sorry, for Option A, federal dealer permits are not limited access. I was thinking of federal commercial permits. So Option A would be federal dealer permits are required to buy and sell sharks. These are not limited access and this would take care of any reporting requirements that we would have because by default that would already be taken care of.

Option B is state dealer permits are required to buy and sell sharks. Option C would be either a state or a federal dealer permit. Or Option D is that permits are not required.

CHAIRMAN SMITH: Comments on Number 8. Seeing none, Number 9.

MR. VONDERWEIDT: Issue 9, dealer schedule, dealers must report weekly. Dealers must report on the 1st and 15th of every month. This is what we talked about earlier. This is the federal reporting requirement. Option C is that state dealers need to report monthly. And then Option D is annually.

CHAIRMAN SMITH: Margo, is this one correct according to? Okay, thank you. Comments on Number 9. Roy.

MR. MILLER: My state doesn't have mandatory dealer permitting requirements so I think you need to have an Option E, no dealer permits required.

CHAIRMAN SMITH: Any disagreement? Seeing none we will add that. Malcolm.

DR. MALCOLM RHODES: Doesn't that go back to Issue 8? Isn't that D on Issue 8?

CHAIRMAN SMITH: Well, okay, yes, they're right. In eight with dealer permits not required, that handles Roy's concern. And then in nine if they don't have a permit they don't have to report. Okay, other comments on Issue 9. We don't need to add anything here. Are you okay with that, Roy? Yes, okay. Any other comments on nine? Seeing none, Number 10.

MR. VONDERWEIDT: Issue 10, dealer requirements and I put one or more of the

following. Option A is that you put the pounds of shark purchased separated out in the species group. Option B is they need to report the total weight based on, by each individual species. Option C is to include latitude and longitude coordinates and that's where I've just kind of put Issue D in here that we would need to also include requirements for fishermen to report latitude and longitude coordinates if that's required.

CHAIRMAN SMITH: Anybody have thoughts on this? We may be getting into that point on the Thursday of this meeting week that we get a little mind numbed. What kind of problems do you foresee if we are requiring commercial fishermen to report the latitude/longitude of each shark, where each one was taken from the ocean? Is that realistic? No. Do you do that?

MS. SCHULZE-HAUGEN: In the vessel logbooks we require lat/long for the HMS logbook. There is a coastal fisheries logbook that has –

CHAIRMAN SMITH: For each fish taken?

MS. SCHULZE-HAUGEN: Well, it's by set.

CHAIRMAN SMITH: By set.

MS. SCHULZE-HAUGEN: So where the set was. In the coastal fisheries logbook it's by grid and for the trip but we do not require dealers to report lat/long for the vessels that they're buying from.

CHAIRMAN SMITH: Yes, that's another good point. That is a little bit over the top for dealers because they don't know. It would be like asking them how many fish were discarded. So maybe we ought to take lat/long out of both Option C and D. Any disagreement with that?

MR. AUGUSTINE: Back to Margo's point, Mr. Chairman.

CHAIRMAN SMITH: Yes.

MR. AUGUSTINE: She says they're identified by – did you say male or female? By species group. Be consistent.

CHAIRMAN SMITH: Okay, so Option C would be removed and Option D – I'm not sure why Option D is here under dealer requirements

and shouldn't be under – do we have it under? Sorry, and I was intended to be offline. Sorry. We will remove Option C and Option D is already covered under commercial vessel reporting logbooks so it does not need to be here, either. So Options C and D will be removed. Any disagreement?

Seeing none, Number – is it 11? No, it actually goes to Commercial Shore Number 1. But are we also going to? We're going to consolidate. You don't need shore and vessels separate. Okay, so we will skip the shore options for commercial and we will go right to Vessel Permit Number 1, and there we have it.

MR. VONDERWEIDT: All right, Issue 1, permits, and Option A is to require commercial federal shark permit and this is what I started to say before is that there are fishermen who, this is a limited access permit program and there are shark fishermen who supposedly have turned down limited access permits with the intention to fish for sharks in state waters. So if we require a federal shark permit this is going to push all state specific shark fishermen out of the fishery.

Option B is to include state shark permits which we would need to set up. Option C is to require a state commercial permit which goes along with the ACCSP reporting that Mr. Himchak mentioned earlier. Option D is that the commercial shark vessels must be, actually, Option D relates to the difference between shore and commercial requirements.

So you can just ignore Option D and E since we're not considering removing or we're not considering, yes, removing shore fishermen from the plan. And then Option F is no permit is required to harvest sharks. So Option D, the federal vessels would be assigned a permit but shore fishermen can't get those so that's why D and E are in there.

CHAIRMAN SMITH: Could I ask that we have a descriptive sentence in the beginning of the document that says in all places where we refer to state shark permit what it really means is a state fishing license authorizing the taking of sharks? And then we don't have to go in and change these words everywhere but it's defined. Thanks. No disagreement? Okay, Louis.

DR. DANIEL: And I think one of the issues on folks not or giving up their federal permits to

retain, you know, so that they can fish in state waters is partly mitigated by the closure of state waters when the federal quotas were, are met.

And so it would be my hope – and I want to make sure Margo agrees, that a federally-permitted vessel or a state permitted or, well, a federally-permitted vessel could fish in state waters as long as the federal seasons are open and it wouldn't cause a problem any more. Because the problem was federally permitted vessels fishing in state waters after the federal seasons have closed and so it resolves that problem, I think. Do you agree?

MS. SCHULZE-HAUGEN: Well, are you saying that when the season is open, federal or state, doesn't matter – yes, it would. It would.

CHAIRMAN SMITH: Does the document say what it needs to say to capture that point? If not, if there is no disagreement with the concept Louis raised we might need some text to make that clear.

DR. DANIEL: Yes, because it's inconsistent with what Chris, you know, Chris was talking about the problems in the past.

CHAIRMAN SMITH: Right.

DR. DANIEL: But if we get the provision in place that says states close when the federal quotas are met then it doesn't matter.

CHAIRMAN SMITH: Well, that's an option in the other part of the document.

DR. DANIEL: Right.

CHAIRMAN SMITH: What happens if we don't select that option? Then we still have the problem. So is there a way to fix that here or is this not the right place for it?

DR. DANIEL: Yes, if we don't approve that provision to close when the feds close, then the problems remain between the two commercial – the federal shark permit holders would then no longer be able to fish in state waters after it closed and we would have the problem that Chris identified.

CHAIRMAN SMITH: So, the document does or does not cover the point at this point? At this slide does it cover this adequately?

DR. DANIEL: I guess yes with the idea that that other one might not be approved and –

CHAIRMAN SMITH: You've got to be clear in the public hearing descriptions.

DR. DANIEL: That's a good point.

CHAIRMAN SMITH: Yes. Okay, other comments on this issue. Seeing none we're at Commercial Gear Restrictions Number 2.

MR VONDERWEIDT: Okay, so Option 1 or Option A would be rod and reel, hand line and bandit gear. Option B would be rod and reel, hand line, bandit gear and pelagic or bottom long lines. Option C, rod and reel, hand line, bandit gear and gill nets. And then Option D is rod and reel, hand line, bandit gear, pelagic long lines and gillnets.

CHAIRMAN SMITH: Comments. Louis.

DR. DANIEL: We reopened state waters about a year ago and I had a real concern about a genuine pelagic or bottom long line going into state waters. The potential for conflicts is tremendous there as well as interaction with protected resources. So what we did was we identified essentially a trot line which is a much smaller long line. I think it's 50 hooks as opposed to the thousands of hooks that can be used on a long line.

And so I would suggest that we look into the possibility of having an option that defines – and I don't know how to do it right off the top of my head but you might want to look at North Carolina's language and instead of allowing bottom long lines in state waters perhaps a trot line type gear would be much more appropriate in state waters.

CHAIRMAN SMITH: In Option B, C, and D after the words "bottom long lines" add "or trot lines".

DR. DANIEL: And then what we'll have to do is define a trot line.

CHAIRMAN SMITH: Right. Any disagreement? Okay, seeing none, what we need to do – no, we don't.

MR. VONDERWEIDT: Okay, so commercial vessel bycatch, it would be one or more of the

following and this slide differs slightly from the matrix and the management document that was on the CD but Option A follows federal long line bycatch reduction measures. Option B is gillnet reduction measures. Option C, gillnet reduction measures that are less stringent and then D is long line reduction measures that are less stringent. So.

CHAIRMAN SMITH: Okay, referring only to the slide as the active proposed options, ignoring the matrix, is there any disagreement with what is on the slide?

MR. VONDERWEIDT: The only difference here is the addition of Option D.

CHAIRMAN SMITH: Okay, Pat.

MR. AUGUSTINE: Are we going to try to describe less stringent or do we know what that is? In other words, do we have to indicate what the federal is in this document for the public's edification?

CHAIRMAN SMITH: Maybe by the time we define a public hearing document but not today.

MR. AUGUSTINE: Fine. I understand.

CHAIRMAN SMITH: Okay. It will need text, yes. Okay, disagreement with this? Seeing none, anything else? Is that it? Dr. Pierce.

DR. PIERCE: Well, not a disagreement but to the comments that have been provided by Chris and company there is reference to the need to be careful with the definition of gillnets as well as the definition of long lines. We've already talked about the trot lines. But how should we proceed in that manner?

Is there a need for us to actually have something in this document that provides more guidance or a definition of what we mean by gillnets? They raised. I just wonder why they did. And do they have any suggestions as to how we should, you know, define the gear?

CHAIRMAN SMITH: If there are differences between states, we sure would want to have a generic definition of the gear. I mean we all know what a gillnet is but we don't necessarily know if in North Carolina it's a 3.5 inch mesh and five panels long and in some other state it's different, just as an example.

On the other hand, perhaps leaving it this way leaves the states the latitude to either use gillnets or not use gillnets as an example of a gear consistent with their existing rules for the gear. And if we had to by addendum tell a recalcitrant state that you have to use the right mesh we could do that in a subsequent action. Okay? All right, Louis.

DR. DANIEL: During a lot of the seasons, too, and what we ran into in North Carolina was the protected resources restrictions on mesh size eliminated any gillnet fishery during the majority of the year. So it's important to sort of look at those regulations as well because if you can't use over 7 inch mesh during certain times that eliminates the shark net fishery.

CHAIRMAN SMITH: Right. Okay, Malcolm.

DR. RHODES: In the briefing books I know you can't have it up there but it really does outline the federal gear restrictions. And it's, you know, what's in the document already is specific as to bottom long lines must have corrodible hooks and the pelagic must use circle hooks and bait types.

There are protocols for handling. Gillnets must be smaller than 2.5 kilometers, must be checked every two hours. So it's in the document they've prepared. And I know it can't go up on here but I gather that would be in the document going out for you know the public. They would have that all spelled out, also.

CHAIRMAN SMITH: And as a source or an appendix. Whether everything in the long document would be out to the public, I'm not sure. But you make a good point. By reference we can find what we mean by those things and that's the important point. Okay, any other comments on that issue? Okay, one more slide. I am rushing a little because I want to conclude our business by one and we do have that dogfish issue to content with.

MR. VONDERWEIDT: All right, so this is up there as Issue X and I realized while making this slide show that we didn't include possession limits for the commercial fishery so this is, you know, something that we probably want in there. So Option A is no possession limits. Option B is possession limits set annually by species group. Option C is set for each individual species. And the technical committee would probably be

tasked with coming up with this or actually that is part of the annual or the process for fishery specifications in the document.

CHAIRMAN SMITH: Any disagreement with having this in there? Okay, seeing none, is that it for this subject? Okay, Chris, very nice job on this. That's a complicated document to go through and I appreciate it. Howard.

MR. HOWARD KING: Yes, I just have a quick question. A bug was put in my ear on Page 22, 4.2.422, vessel fishing possession limits. Vessels are prohibited from landing more than the specified amount in any 24-hour period or calendar day. The 24-hour period might be problematic with little benefit but calendar day seems pretty clear to everyone. I wondered why 24-hour period might be in there.

MR. VONDERWEIDT: That was taken directly from the Spiny Dogfish Management Plan so it's easy to scratch that out, though, if it's the wish of the board.

CHAIRMAN SMITH: Any disagreement to have that section just refer to the calendar day? Okay, seeing none we will do that. Okay, that concludes the shark document part. And we are at Item 5, the 2006-2007 spiny dogfish overage payback. Bob.

MR. BEAL: Just a quick point before you move on, I guess so everybody is on the same page as far as kind of where we are going from here. The plan development team will take this advice, go back and they're going to make every effort to put together the draft FMP for review in August.

In order to do that the technical committee is going to have to do a fair amount of work and the PDT is going to have to do a whole lot of work so if you've got – I guess it's just a request. If the states or other agencies have representatives on the PDT, you know, if they can free up some time to work on this document it would be really helpful. I think there is a lot of work to be done. It can happen between now and then but everybody has got to kind of chip in.

CHAIRMAN SMITH: Good point. State agencies, please make sure your staff are aware this is coming at them and that they put the right amount of time in for it, consistent with

everything else we make them do. Thank you. Dogfish overage payback, there was a memo on the CD and there were copies at the back of the room and I don't know if they're still there but it came out to us.

It's a memo from Bob Beal dated March 29th and briefly it documents the nature of the overage we had last year and a proposed solution for dealing with that overage because it has to be subtracted from the coming year's quota. Beyond that are you prepared – yes, Chris has a short presentation to walk us through where we need to go with this.

2006-2007 SPINY DOGFISH QUOTA OVERAGE PAYBACK

MR. VONDERWEIDT: All right, thank you, Mr. Chairman. So the history of kind of how did we get to where we are right now, as the board is well aware, the quota for spiny dogfish changed three times over the course of the fishing season. All of these changes came after Period 1 of the initial 4 million pound quota.

The final board motion read, "The quota is raised to allow a maximum harvest of 6 million pounds for the 2006-2007 fishing season" which means the percentage of the quota landed in Period 2 was not really representative of the split but because it was raised after Period 1, you know, that's the way it shook out.

So in the end, after all was said and done, 384,737 pounds of dogfish over the quota were harvested. So if we look at the FMP it says, "When the quota allocated to a semi-annual period is exceeded the amount over the allocation will be deducted from the corresponding period in the subsequent fishing year."

So what that means is if we had the overage in Period 2, which we did, it needs to come from Period 2. So this is a chart of the landings so Period 1 the landings' allocation was 3,474,000 pounds. We took about a million pounds less than what we could have for Period 1. This is because the quota didn't get raised until after the Period 1 time period ended.

So, for Period 2 we went about a 1,374,000 over which came to an overall overage of 1,348,339.

That doesn't need to be paid back in its entirety because there was an underage in Period 1. So, that's how we got to, that's where the overages stand as of right now. And it's imperative that everybody understands specifically what is going on in this slide before we move on and that, so if there is any questions now would be an appropriate time.

CHAIRMAN SMITH: Do you have questions on this first part of it? Okay, seeing none, let's go to the next.

MR. VONDERWEIDT: All right, so kind of complicating things is that we have a state agreement. It's generally a gentleman's agreement that says the northern states, which is Connecticut through Maine, are allocated 58 percent of the landings. The southern states are allocated 42 percent.

So if you look at the actual overage with the states, the northern states harvested 704,000 pounds more than their arrangement allotted. So based on this there is no question about it. The overage needs to be repaid in Period 2. However, it was the northern states which caused the overage so what our memo proposed and we didn't hear any objection to it. There was kind of a long e-mail thread.

So our proposed specifications are 5,615,263 pound quota, that's after subtracting the overage. There is a maximum 3,000 pound trip limit. This was decided at a previous board meeting. So Period 1 would be 3,480,000 pounds. There would be no change to the Period 1 quota. Period 2 would be 2,141,263 pounds. That comes from subtracting the 384,737 pound overage.

And then within this there is a northern state allocation, 50 percent that, which would have given them 3,480,000 pounds; however, we subtract the overage so they're allowed to harvest slightly over 3 million pounds. The southern states still get their full allocation based on the 6 million pound quota.

CHAIRMAN SMITH: Okay, Ritchie.

MR. G. RITCHIE WHITE: Have we had overages in the past? And if not, do we have an opinion on what caused it this time? What was the cause of the overage?

CHAIRMAN SMITH: I speculate it's higher trip limits. For some period of time after our November meeting there were higher trip limits until the period or the geographic area sector closed.

MR. G. WHITE: But we've had those kind of trip limits in the past, years ago, I believe.

CHAIRMAN SMITH: Higher than the 300 or 600. Remember, when these, when we went from 4 million to 6 million pound quota we also allowed states to have higher trip limits. And if they had a 2,000 or a 3,000 or whatever instead of having 300 or 600 that simply accelerates the rate of capture. David.

DR. PIERCE: Yes, I suspect the overage came about because of the confusion that was caused by the overlapping ways in which we managed the species this past fishing year with period quotas and then with the northern state and the southern state quotas. When all was said and done we went over the 6 million pounds collectively by about three-hundred-and-some-odd-thousand pounds which is a relatively small amount of overage.

If you look at the seasonal allocations, in one particular season we went over something like 700,000 pounds. But, again, that's because of the confusion that occurred this past fishing year. The bottom line really is that we only went over by about 300,000 pounds over the 6 million pounds.

I know in Massachusetts we closed our fishery relatively early in anticipation of, well, to prevent an overage of the northern states' allocation. That was one of our principal concerns that we didn't want to disadvantage the other states within the northern block, so to speak. So we closed early just to make sure we didn't cause a problem Massachusetts landings.

I'm not sure what happened in the southern block. I don't know when those individual states closed down. But, anyways, that's an explanation as to what happened as best I can figure it out. And unfortunately we're still obliged to move forward with this combination of seasonal allocations and the southern and northern state allocation. It does complicate matters.

My wish list would be that it would be to take

out the seasonal allocations and just go with the northern and southern allocations. That makes the management very simple. But as it stands right now, you know, the strategy that has been offered up by the staff to resolve this issue involves essentially a continuation of the seasonal allocations and the state north and south allocations with the deductions being shown as shown by the staff.

CHAIRMAN SMITH: Everybody understand where we are now? Pat White.

MR. P. WHITE: I understand where we are, just a question for Mr. Pierce if I could or if you could relay that. Is there a specific area where this overage occurred? Was there additional fishing pressure in some area that brought this about or is this just a generic happening?

DR. PIERCE: The memo doesn't break the landings down by states so it's hard for me to determine where exactly did things go wrong. And I don't have a breakdown of how each individual state opened and closed their fisheries and how they changed their trip limits.

That information, you know, would have been helpful for us to determine what happened. But, as I said, it's about 300,000 pounds or so as an overage since, so it's – in the grand scheme of things it's relatively minor and now we can just deal with it by deducting it from next year's allocation.

CHAIRMAN SMITH: Could I suggest that we have about 15 minutes left for, if we hope to catch up to where we should be on the agenda. We need to resolve this with a motion. We then need to talk about whether we would like to start an addendum to try and resolve the inconsistency between the period allocations versus the seasonal allocations. And we have two orders of other business that we need to take care of.

So, is there a **motion to adopt the recommendation of the staff that the 384,737 pound overage be removed from both Period 2 and from the northern state allocation?** Roy Miller, seconded by Pete Himchak. Okay, is there discussion on the motion? Seeing none, without objection we'll consider that motion approved. David Pierce.

DR. PIERCE: To your second point, Mr. Chairman, to get us away from this confusion

that exists with the seasonal splits and the northern and southern split I would make a motion that we develop an addendum to change the seasonal allocation of the dogfish quota to a – excuse me – to a regional allocation of 58 percent and 42 percent for the northern and southern states respectively.

CHAIRMAN SMITH: Before I ask for a second two things would have to happen, one possibly, well, one procedurally, necessary, the other one hopefully helpful in starting the addendum process. The helpful one, first, I don't know that we need to specify the percentages in a motion to start the addendum.

What we would need to do is say to use a geographical approach rather than a period approach. The procedural part is I think we have to coordinate this with the Mid-Atlantic and the New England Council and it would have to be kind of a framework addendum joint change rather than us doing it ourselves. Am I mistaken there? Or if we do what you're suggesting as a commission alone we end up with our plan saying we will do things geographically and the council federal plan doing it seasonally?

DR. PIERCE: Yes, if I may. I don't mind leaving the percentages out. I only added those percentages to the motion because that's what we've used for this past year. But we can leave it generic and just bring it out to public hearing and see what, you know what the different states and what the public has to say.

With regard to what the councils may want to do, well, of course the councils haven't addressed north versus south. That has been an ASMFC initiative. The councils implemented years ago the seasonal breakdown as a way to make sure that the northern states didn't disadvantage the southern states, notably Virginia and North Carolina, New Jersey to some extent. That was the logic for the seasonal split.

Of course time has passed and the ASMFC has taken more of a role with dogfish management and went with the higher quota of 6 million versus the 4 million. So, what the council will do, what the National Marine Fisheries Service will support, because, really, it all comes down to what the service will support, is anybody's guess.

I would like to believe that – also, it would mean that the council would have to amend their plan

and they might not want to spend the time on dogfish in light of everything else that is going on.

CHAIRMAN SMITH: Bob. Right now we've set ourselves into a kind of a complicated relationship between the geographical versus the seasonal approach because both are in play. Do we help ourselves or harm ourselves procedurally if we change our plan to only have a geographical split? Does it make life any better for us or does it just perpetuate the fact that there is two different things in play there?

MR. BEAL: It makes the bookkeeping for the commission staff a little bit easier. But in reality if there is period quotas at the federal level and there is regional quotas at the state level it's still logistically kind of difficult. And I think the other difficulty is going to be that, you know, we're out of sync on quotas right now as well. We've got 4 million at the federal level and 6 million at the commission level.

So, you know, if we have our regions – I think it's going to be very confusing for fishermen to know what to do. In other words, they're going to have notifications from the federal government for federal folks that your, you know, the Period 1 quota has ended but we'll let state-only fishermen know that the northern guys can fish a little bit more. And I mean it's complicated either way.

If nothing is done as far as an addendum goes and the quotas are not changed mid-year, this lack of linkage between the seasonal allocation and the regional allocation should more or less work itself out. In other words, right now the problem this year is that we have an overage from a region that differs from the total overage from the annual quota because we switched things kind of mid-stream in the fishing season.

But if the fishing, the total quota remains the same throughout the entire year I think the bookkeeping may not be that difficult at the commission level and it can be resolved in similar action to just what you took.

CHAIRMAN SMITH: Okay, could I suggest then that what we ought to do is consult with the Mid-Atlantic and New England Councils and see if there is any interest at all in changing from a period approach to a geographical approach. I mean that could be a motion to engage in those

discussions. And if they're favorable then start the addendum process.

DR. PIERCE: Do you need a motion, Mr. Chairman? I don't mind withdrawing this if that's the understanding.

CHAIRMAN SMITH: Okay, could we have that discussion with the two councils and see? I mean I just, I don't want to start us on an addendum. I think the way I read Bob is if we don't fool around with the level of the quota this next year we can manage this whole dichotomy that we've set up and therefore there is no burning need to start the addendum right away. But there is a need to have that discussion with the two councils to try and find a better way.

MR. BEAL: Absolutely. If the board wants us to talk to the – the Mid-Atlantic Council has the lead on this as well as the New England Council, we can definitely do that. And it doesn't, I don't think it takes a motion if it's consensus by the board.

OTHER BUSINESS

CHAIRMAN SMITH: There was no second so really there is no motion to be withdrawn so let's leave it at that and staff will have that discussion. Okay, that concludes the items on the agenda. We're at other business. We have a nomination for appointment of one of our members of our Committee on Economics and Social Sciences to be represented on our various technical PDTs so Chris is going to handle that.

MR. VONDERWEIDT: Yes, some of you from the previous meetings – I think this was shown at summer flounder and maybe striped bass as well, but the members from the more southern states aren't covered from that. Basically, Donna Fisher who has been communicating with me about the shark plan has expressed interest.

CESS has recommended her for that economist position on the technical committee, plan development team and plan review team for coastal sharks. And staff in the back can bring you around that memo that was handed out if you want to raise your hand if you haven't got it yet and staff will provide you with that.

CHAIRMAN SMITH: Is there a **motion to appoint Dr. Fisher to the** – so moved, Mark Gibson; Terry Stockwell, second. Discussion.

Objection. Seeing no objection, Dr. Fisher is appointed. Peter Himchak.

MR. HIMCHAK: Yes, thank you, Mr. Chairman. Subsequent to the increase in the ASMFC quota on spiny dogfish, that generated tremendous tension in New Jersey. And we've had a series of meetings with our council members and advisors and this is a, we're approaching our state legislature to get a license for a spiny dogfish fishery, the license fee to serve as some kind of a limiting factor.

I mean if you make it high enough, we're trying to control the number of participants in the fishery. We have suggestions by the fishing community to limit it to an attended gear or gillnet fishery, about 5.5 inches stretch, one trip per day. And we are approaching our legislature to get something on the books so that we could participate in the fishery as early as next spring.

And in addition to this legislative development we have our ocean trawl survey, near-shore trawl survey that this past April has begun to sex and measure all the spiny dogfish. Surprisingly, in the April cruise the majority of the fish were small females. We will have cruises in June, August and October and January and February of 2008.

So we will know a lot more about the sex ratio and the size distribution by the time we implement a fishery next spring. And this is a highly endorsed effort by both the recreational and commercial fishery. And if Mr. Greg DiDomenico from Garden State Seafood Association, if I missed any points I would appreciate him bringing them up to the board.

CHAIRMAN SMITH: Greg.

MR. GREG DiDOMENICO: Greg DiDomenico of Garden State Seafood Association, thank you, Mr. Chairman. I will be brief. I think I want to – this is a very important issue to us for several reasons. First of all, we supported this wholeheartedly at your winter meeting, knowing full well that New Jersey was going to have some difficulty taking advantage or enjoying the fruits of the commission's labor on, you know, making the TAC larger from 4 million to 6 million pounds.

Regardless of that, we went ahead because we felt it was good for everybody. And so we're

working diligently to make sure that we get a crack at these fish come May 1st. Secondly, it's important because we do have a very professional but admittedly struggling gillnet fleet from Barnegat Light who, of course, have been shut out of three or four fisheries and really will benefit greatly from this fishery.

So we're going to continue to work with the legislature. Hopefully some of the things that Mr. Himchak told you about will prevent any problems in that fishery and it will be executed correctly, there won't be any overages, there will be the right people participating in it and we'll have a good market and a profitable, safe fishery. So, thank you very much.

CHAIRMAN SMITH: Thanks. Any other questions/comments on this? Roy.

MR. MILLER: Not on this specific one but I'd like to just add, Mr. Chairman, that Delaware reopened its spiny dogfish commercial fishery this year, very recently, in accordance with federal guidelines using the federal quotas and federal daily trip limits. Thank you.

ADJOURN

CHAIRMAN SMITH: Good. Thank you. Any other comments? Any other business for the dogfish or coastal sharks management board? Seeing none, we are adjourned. Thank you all very much.

(Whereupon, the Spiny Dogfish and Coastal Shark Management Board meeting adjourned on Thursday, May 10, 2007, at 1:00 o'clock, p.m.)

- - -